Embargoed until 1 pm-ish press call: PM 2.5 materials

Cheryl Mackay to:

12/14/2012 12:35 PM

Alexandra. Teitz, Greg. Dotson, mary.frances.repko, kenneth.degraff, Bcc: neal.ullman, moshay.simpson, Anne. Simmons, claire.coleman,

Michal.Freedhoff, zack.fields, christopher.king

From:

Cheryl Mackay/DC/USEPA/US

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Alexandra.Teitz@mail.house.gov, Greg.Dotson@mail.house.gov, mary.frances.repko@mail.house.gov, kenneth.degraff@mail.house.gov,

neal.ullman@mail.house.gov, moshay.simpson@mail.house.gov,

Good afternoon,

Today EPA Administrator Lisa Jackson is signing final regulations strengthening the fine particulate matter (PM2.5) annual standard by lowering it from 15 to 12 micrograms/cubic meter. The existing 24-hour standard for PM2.5, set at 35 micrograms/cubic meter, was retained. The existing standards for coarse particulates, or PM10, were retained at 150 micrograms/cubic meter.

For much more information, including maps, please take a look at our website which will go live between 12:30 - 1:00:

http://www.epa.gov/pm

Here are the near final draft press release and fact sheet:



PDF

Final Press Release PM2.5.docx PM NAAQS REVSIONS.OVERVIEW.pdf

Again, we still don't have a signed rule, so your discretion is appreciated.

In addition, House Energy and Commerce is sponsoring a briefing this afternoon. Here are the details:

EPA National Ambient Air Quality Standards (NAAQS) for Particulate Matter

Staff handling energy and environmental issues for Members on the Energy and Commerce Committee are invited to attend a bipartisan EPA briefing today, Friday, Dec. 14, 2012 at 3:30 p.m. in 2123 Rayburn HOB. EPA will brief staff on the agency's final National Ambient Air Quality Standards for Particulate Matter.

If any questions, please contact Mary Neumayr at 5-2927.

Office of Congressional Relations tel: (202) 564-2023 fax: (202) 501-1550

DATE, 2012

EPA Announces Next Round of Clean Air Standards to Reduce Harmful Soot Pollution

99 percent of U.S. counties projected to meet revised health standard without any additional actions

WASHINGTON – In response to a court order, the U.S. Environmental Protection Agency (EPA) today finalized an update to its national air quality standards for harmful fine particle pollution (PM2.5), including soot, setting the annual health standard at 12 micrograms per cubic meter. Today's announcement has no effect on the existing daily standard for fine particles or the existing daily standard for coarse particles (PM10), both of which remain unchanged.

"The standards EPA issued today will make our air cleaner and our communities healthier, and once in place will also help save Americans billions of dollars each year by avoiding the health care costs associated with many severe illnesses," said EPA Administrator Lisa P. Jackson.

Fine particle pollution can penetrate deep into the lungs and has been linked to a wide range of serious health effects, including premature death, heart attacks, and strokes, as well as acute bronchitis and aggravated asthma among children. A federal court ruling required EPA to update the standard based on best available science. Today's announcement, which meets that requirement, builds on smart steps already taken by the EPA to slash dangerous pollution in communities across the country. Thanks to these steps, 99 percent of U.S. counties are projected to meet the standard without any additional action.

It is expected that fewer than 10 counties, out of the more than 3,000 counties in the United States, will need to consider any local actions to reduce fine particle pollution in order to meet the new standard by 2020, as required by the Clean Air Act. The rest can rely on air quality improvements from federal rules already on the books to meet this new standard.

Hyper link to 2020 map

The standard, which was proposed in June and is consistent with the advice from the agency's independent science advisors, is based on an extensive body of scientific evidence that includes thousands of studies – including many large studies which show negative health impacts at lower levels than previously understood. It also follows extensive consultation with stakeholders, including the public, health organizations, and industry, and after considering more than 230,000 public comments.

Because reductions in fine particle pollution have direct health benefits including decreased mortality rates, fewer incidents of heart attacks, strokes, and childhood asthma, these standards have major economic benefits with comparatively low costs. EPA estimates health benefits of the revised standard to range from \$4 billion to over \$9

billion per year, with estimated costs of implementation ranging from \$53 million to \$350 million. While EPA cannot consider costs in selecting a standard under the Clean Air Act, those costs are estimated as part of the careful analysis undertaken for all significant regulations, as required by Executive Order 13563 issued by President Obama in January 2011.

The Clean Air Act requires EPA to review its air quality standards every five years to determine whether the standards should be revised. The law requires the agency to ensure the standards are "requisite to protect public health with an adequate margin of safety" and "requisite to protect the public welfare." A federal court required EPA to issue final standard by December 14, because the agency did not meet its five-year legal deadline for reviewing the standards.

EPA carefully considered extensive public input as it determined the appropriate final standard to protect public health. The agency held two public hearings and received more than 230,000 written comments before finalizing today's updated air quality standards.

More information: http://www.epa.gov/pm

OVERVIEW OF EPA'S REVISIONS TO THE AIR QUALITY STANDARDS FOR PARTICLE POLLUTION (PARTICULATE MATTER)

- On Dec. 14, 2012, the U.S. Environmental Protection Agency (EPA) took important steps to protect the health of Americans from fine particle pollution by strengthening the annual health National Ambient Air Quality Standard (NAAQS) for fine particles to 12.0 micrograms per cubic meter ($\mu g/m^3$) and retaining the 24-hour fine particle standard of 35 $\mu g/m^3$. The agency also retained the existing standards for coarse particle pollution (PM_{10}).
- An extensive body of scientific evidence shows that long- and short-term exposures to fine particle
 pollution, also known as fine particulate matter (PM_{2.5}), can cause premature death and harmful
 effects on the cardiovascular system, including increased hospital admissions and emergency
 department visits for heart attacks and strokes. Scientific evidence also links PM to harmful
 respiratory effects, including asthma attacks.
- People most at risk from particle pollution exposure include people with heart or lung disease (including asthma), older adults, children and people of lower socioeconomic status. Research indicates that pregnant women, newborns and people with certain health conditions, such as obesity or diabetes, also may be more susceptible to PM-related effects.
- Particle pollution also causes haze in cities and some of our nation's most treasured national parks.
- Fine particles are 2.5 micrometers in diameter and smaller. They can be emitted directly from a
 variety of sources, including vehicles, smokestacks and fires. They also form when gases emitted by
 power plants, industrial processes, and gasoline and diesel engines react in the atmosphere.
 Sources of inhalable coarse particles, which have diameters between 2.5 and 10 micrometers,
 include road dust that is kicked up by traffic, some agricultural operations, construction and
 demolition operations, industrial processes and biomass burning.
- Emission reductions from EPA and states rules already on the books will help 99 percent of counties with monitors meet the revised PM_{2.5} standards without additional emission reductions.
 These rules include clean diesel rules for vehicles and fuels, and rules to reduce pollution from power plants, locomotives, marine vessels and power plants, among others.
- EPA estimates that meeting the annual primary fine particle standard of 12.0 μ g/m³ will provide health benefits worth an estimated \$4 billion to \$9.1 billion per year in 2020 -- a return of \$12 to \$171 for every dollar invested in pollution reduction. Estimated annual costs of implementing the standard are \$53 million to \$350 million.

- For fine particles, EPA is:
 - \circ Strengthening the annual health standard (primary standard) for PM_{2.5} by setting the standard at 12.0 μg/m³. The existing annual standard, 15.0 μg/m³, was set in 1997.
 - \circ Retaining the existing 24-hour health standard (primary standard) for PM_{2.5}, at 35 μg/m³. EPA issued the 24-hour standard in 2006.
 - Retaining the existing secondary standards for PM_{2.5} to address PM-related effects such as visibility impairment, ecological effects, damage to materials and climate impacts. This includes an annual standard of 15.0 μg/m³ and a 24-hour standard of 35 μg/m³. The agency is relying on the existing secondary 24-hour PM_{2.5} standard to protect against visibility impairment, and is not finalizing the separate standard to protect visibility the EPA proposed in June 2012.
 - EPA had proposed to set a separate secondary 24-hour standard to provide protection against PM-related visibility effects; however, after considering public comment on the proposal and further analyzing recent air quality monitoring data, the agency has concluded that the current secondary 24-hour PM_{2.5} standard of 35μg/m³ will provide visibility protection that is equal to, or greater than, 30 deciviews, the target level of protection the agency is setting today. (A deciview is a yardstick for measuring visibility.)
- For coarse particles, EPA is retaining the existing 24-hour PM₁₀ standards for health and environmental effects (primary and secondary standards). These standards, set at a level of 150 μg/m³, have been in place since 1987.
- EPA examined thousands of studies as part of this review of the standards, including hundreds of
 new studies published since EPA completed the last review of the standards in 2006. The new
 evidence includes more than 300 new epidemiological studies, many of which report adverse
 health effects even in areas that meet the current PM_{2.5} standards. EPA also considered analyses by
 agency experts, along with advice from the Clean Air Scientific Advisory Committee and public
 comments.
- As part of EPA's commitment to a transparent, open government, the agency sought and received broad public input in setting this standard that provides critical health protection to tens of millions of Americans. EPA held two public hearings on the proposed standards, and received more than 230,000 written comments.
- The Clean Air Act requires EPA to review the particle pollution standards every five years. The revisions, which are a result of that review, also respond to a court remand of portions of the agency's 2006 decision on the PM_{2.5} standards.

More details about today's action:

- Today's rule also addresses several issues related to implementation of the revised standards.
 Among them:
 - To ensure a smooth transition to the revised standards, EPA will grandfather pending preconstruction permitting applications if either:
 - The permitting agency has deemed the application complete. This must occur by Dec. 14, 2012.
 - The public notice for a draft permit or preliminary determination has been published prior to the date the revised PM standards become effective (60 days after publication in the Federal Register).
 - The agency is making updates and improvements to the nation's PM_{2.5} monitoring network that include relocating a small number of monitors to measure fine particles near heavily traveled roads in areas with populations of 1 million or more. These relocations will be phased in over two years (2015-2017) and will not require additional monitors.
 - o In addition, EPA is updating the Air Quality Index (AQI) for PM_{2.5} to be consistent with the final health standards.
- EPA anticipates making initial attainment/nonattainment designations by December 2014, with those designations likely becoming effective in early 2015.
- States would have until 2020 (five years after designations are effective) to meet the revised annual PM_{2.5} health standard. Most states are familiar with this process and can build off work they are already doing to reduce pollution to help them meet the standards.
 - A state may request a possible extension to 2025, depending on the severity of an area's fine particle pollution problems and the availability of pollution controls.
- By law, EPA cannot consider costs in setting or revising national ambient air quality standards.
 However, to inform the public, EPA analyzes the benefits and costs of implementing the standards as required by Executive Orders 12866 and 13563 and guidance from the White House Office of Management and Budget.

FOR MORE INFORMATION

 To read the final standards and additional summaries, visit http://www.epa.gov/airquality/particlepollution/actions.html



announcement: EPA Decision to Grant California's Request for Waiver of Preemption for its Advanced Clean Car Program

Cheryl Mackay to:

12/27/2012 01:49 PM

Cc: Patricia Haman, Josh Lewis

"Alexandra Teitz", "Mary Neumayr", "Jeff Baran", "Alison Cassady",

Bcc: "Greg Dotson", caitlin.haberman, grant_cope, jason_albritton,

laura_haynes, colin_peppard, marylouise_wagner,

From:

Cheryl Mackay/DC/USEPA/US

To:

Cc:

Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA

Bcc:

"Alexandra Teitz" <Alexandra.Teitz@mail.house.gov>, "Mary Neumayr"

<mary.neumayr@mail.house.gov>, "Jeff Baran" <Jeff.Baran@mail.house.gov>, "Alison Cassady" <Alison.Cassady@mail.house.gov>, "Greg Dotson"

Today the EPA Administrator granted the State of California a waiver of preemption for its Advanced Clean Car Program. Please see the attached fact sheet for more information.

Thanks and happy holidays, Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

420f12083.pdf

Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final rule

kenneth.degraff, mary.frances.repko, Alexandra.Teitz,

Cheryl Mackay to: Jeff.Baran, Michal.Freedhoff, jmarshall, Ullman, Neal,

01/14/2013 04:05 PM

Tuley.Wright

From:

Cheryl Mackay/DC/USEPA/US

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Alexandra. Teitz@mail.house.gov, Jeff.Baran@mail.house.gov,

Michal.Freedhoff@mail.house.gov, jmarshall@mail.house.gov, "Ullman, Neal"

Hi,

Given your recent interest in the RICE rule, I wanted to let you know that we expect the rule to clear OMB and be signed later today, and then at some point tomorrow we will issue a press release. I'll send final materials in the morning as soon as I have them.

I also wanted to see if there's interest in a call tomorrow morning at 10 am for EPA staff to brief you on the final rule. If you are interested, please respond to this email and I'll send you a call in #.

Thanks, Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations



EPA Decision to Grant California's Request for Waiver of Preemption for its Advanced Clean Car Program

EPA has signed a Federal Register Notice announcing its decision to grant a California Air Resources Board (CARB) request for a waiver of preemption for its Advanced Clean Car (ACC) regulations. The ACC regulations revise California's Low Emission Vehicle (LEV) program (which includes both criteria pollutant and greenhouse gas (GHG) emission standards) as well as the Zero Emission Vehicle (ZEV) program.

Overview

The regulations apply to light duty vehicles, light duty trucks, and medium duty passenger vehicles. The ZEV amendments add flexibility to California's existing ZEV program for 2017 and earlier model years (MYs), and establish new sales and technology requirements starting with the 2018 MY. The LEVIII amendments establish more stringent criteria and GHG emission standards starting with the 2015 and 2017 MYs, respectively.

The ACC program entails four separate regulations that California has packaged together to address what California describes as the interrelated issues of ambient air quality and climate change. The regulations together are designed to encourage coordinated development, introduction, and sales of advanced technologies so as to support investment in infrastructure and reduce technology costs. The updated ZEV, GHG, and LEVIII criteria emission standards regulations are covered under the ACC waiver. The fourth regulation establishes requirements for electric and hydrogen infrastructure improvements and is not subject to federal preemption.

The new ZEV standards are designed to commercialize battery-electric, plug-in hybrid, and fuel cell technologies, reaching about 15% of new vehicle sales in California in the 2025 time frame. The changes that CARB added to the 2017 and



earlier model year ZEV program allow manufacturers to earn and save credits in more flexible ways. This in turn is intended to help manufacturers achieve the sales targets that accelerate more steeply beginning with the 2018 model year. The LEVIII criteria pollutant standards are designed to achieve further reductions by increasing the stringency of vehicle standards and by extending vehicle useful life to 150,000 miles from the current 120,000 miles. The LEVIII GHG standards would reduce fleet GHG emissions in MY2025 by about 34% over MY2016 levels. The California GHG standards are almost identical in stringency and structure to the federal MY2017-2025 GHG standards. Additionally, on December 6, 2012, California adopted a "deemed to comply" regulation that enables manufacturers to show compliance with California GHG standards by demonstrating compliance with federal GHG standards.

In reaching its waiver decision, EPA determined that the CARB ZEV amendments as they affect 2017 and earlier MYs are within the scope of prior EPA waivers. EPA also determined that the waiver includes the new "deemed to comply" regulation.

Background on EPA Decision Making Process

The Clean Air Act preempts all states from adopting emission standards for new motor vehicles, but establishes specific provisions through which California may obtain a waiver of federal preemption. Section 209(b)(1) of the Act directs EPA to grant a waiver unless EPA finds that:

- California's determination that its standards will be, in the aggregate, as protective of public health and welfare as applicable federal standards is arbitrary and capricious,
- · California does not need its standards to meet compelling and extraordinary conditions, or
- California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

In prior waiver decisions, EPA has determined the third (consistency) criterion to mean that CARB's regulations either do not provide adequate lead time to implement the new technology, giving appropriate consideration to the cost of compliance within the applicable time frame; or, impose inconsistent certification requirements such that manufacturers would be unable to satisfy both California and federal certification requirements with the same vehicle.

CARB submitted a request to EPA for a waiver of preemption under section 209(b) for its ACC regulations on June 27, 2012. On August 31, 2012, EPA announced an opportunity for public hearing and comment on the California request. A hearing took place on September 19, 2012 in Washington DC and the comment period closed on October 19, 2012.

EPA received comment from organizations representing auto manufacturers and dealers, emission control manufacturers, states, businesses, consumer and environmental organizations, and the general public. The large majority of comments urged EPA to grant the waiver. EPA received two opposing comments; one recommended outright denial and the other recommended denial or deferral of certain components of the ACC program. However, EPA determined that these opponents of the waiver had not demonstrated the burden of proof necessary for EPA to deny a waiver based on the waiver criteria found in section 209(b) of the Clean Air Act. EPA provides a detailed discussion of its decision and rationale in the *Federal Register* Notice.

For More Information

You can access documents on this waiver decision on EPA's Office of Transportation and Air Quality (OTAQ) website at:

www.epa.gov/otaq/cafr.htm

You can also contact the OTAQ library for document information at:

U.S. Environmental Protection Agency
Office of Transportation and Air Quality Library
2000 Traverwood Drive
Ann Arbor, MI 48105
734-214-4311 & 214-4434
E-mail: Group_AALibrary@epa.gov

embargoed fact sheets for today's RICE calls

Cheryl Mackay to: Cheryl Mackay

01/15/2013 09:46 AM

Cc: Alexandra.Teitz, Jeff.Baran, jmarshall, kenneth.degraff, mary.frances.repko, Michal.Freedhoff, "Ullman, Neal", Tuley.Wright, Josh Lewis, Jonathan.Phillips

From:

Cheryl Mackay/DC/USEPA/US

To:

Cheryl Mackay/DC/USEPA/US@EPA

Cc:

Alexandra.Teitz@mail.house.gov, Jeff.Baran@mail.house.gov, jmarshall@mail.house.gov,

kenneth.degraff@mail.house.gov, mary.frances.repko@mail.house.gov,

Michal.Freedhoff@mail.house.gov, "Ullman, Neal" <Neal.Ullman@mail.house.gov>,

Good Morning,

Attached are two fact sheets on the RICE rule. One provides a general overview and one is specific to emergency engines. I wanted to send them to you before the 10:00 call, but please keep them close hold until we send out our press release at around 11am today.

As a reminder, you are welcome to join either the 10:00 call or the 1:00 call today.

Cheryl

POF

PDF ..

RICE -- Overview Fact sheet final.pdfRICE -- emergency engine Fact Sheet final.pdf

Cheryl A. Mackay U.S. EPA

Office of Communications

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

Cheryl Mackay

Hi, Given your recent interest in the RICE rule, I...

01/14/2013 04:05:17 PM

From:

Cheryl Mackay/DC/USEPA/US

To:

kenneth.degraff@mail.house.gov, mary.frances.repko@mail.house.gov,

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jmarshall@mail.house.gov, "Ullman, Neal" <Neal.Ullman@mail.house.gov>,

Tuley.Wright@mail.house.gov

Date:

01/14/2013 04:05 PM

Subject:

Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final rule

Hi,

Given your recent interest in the RICE rule, I wanted to let you know that we expect the rule to clear OMB and be signed later today, and then at some point tomorrow we will issue a press release. I'll send final materials in the morning as soon as I have them.

I also wanted to see if there's interest in a call tomorrow morning at 10 am for EPA staff to brief you on the final rule. If you are interested, please respond to this email and I'll send you a call in #.

Cc: Teitz, Alexandra; Baran, Jeff; Marshall, John; DeGraff, Kenneth; Repko, Mary Frances; Freedhoff, Michal; Ullman, Neal; Wright, Tuley

Subject: Re: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final rule

All:

It looks like 10:00 is a bad time for a few folks. Peter Tsirigotis has agreed to be available at 1:00 for a call as well. So if you would prefer to do 1:00, please let me know. (The 10:00 call will still go on, and Senate staff will be on that call. You are free to join either one.)

So, again, if you would like to be part of one of the RICE calls tomorrow, at 10:00 or 1:00, please let me know and I will send you the call-in info.

Cheryl

Cheryl Mackay---01/14/2013 04:05:17 PM---Hi, Given your recent interest in the RICE rule, I wanted to let you know that we expect the rule to

From: Cheryl Mackay/DC/USEPA/US
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Neal.Ullman@mail.house.gov>, Tuley.Wright@mail.house.gov
Date: 01/14/2013 04:05 PM
Subject: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final rule

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Thanks, Chervl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

EPA announcement on RICE rule-- embargoed until 11am

Cheryl Mackay to:

01/15/2013 10:00 AM

Kyle.oliver, Krista.rosenthall, Michael.weems, Allison.busbee, mary.neumayer,

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Good Morning,

Today EPA is announcing final amendments to the emission standards for reciprocating internal combustion engines (RICE). Two fact sheets are below. They are embargoed until our press release goes out at about 11am.

Please let me know if you have questions.

PDF

POF .

RICE -- Overview Fact sheet final.pdfRICE -- emergency engine Fact Sheet final.pdf

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

Thanks, Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations tel: (202) 564-2023 fax: (202) 501-1550

FACT SHEET

FINAL AMENDMENTS TO THE EMISSION STANDARDS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

ACTION

- On January 14, 2013, the Environmental Protection Agency finalized amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE).
- In this rulemaking, EPA addressed several petitions for reconsideration, legal challenges and new technical information submitted by stakeholders, including industry and environmental groups, which were brought to the EPA's attention after publication of the 2010 standards.
- The final amendments will ensure that the standards are cost effective, achievable and protective.
- The final revisions will reduce the capital and annual costs of the original 2010 rules by \$287 million and \$139 million, respectively, while still reducing 2,800 tons per year (tpy) of hazardous air pollutants (HAP); 36,000 tpy of carbon monoxide; 2,800 tpy of particulate matter; 9,600 tpy of nitrogen oxides, and 36,000 tpy of volatile organic compounds.
- Pollutants emitted from diesel engines are known or suspected of causing cancer and other serious health effects including:
 - o Aggravation of respiratory and cardiovascular disease
 - o Changes in lung function and increased respiratory symptoms
 - o Premature death in people with heart or lung disease
 - o Neurological, cardiovascular, liver, kidney health effects, and also effects on immune and reproductive systems.
- Stationary engines generate electricity and power equipment at industrial, agricultural, oil and gas production, power generation and other facilities. EPA estimates there are over 1 million of these engines in the U.S., and this rule will apply to some of these engines.
- The final amendments generally apply to the following:
 - o engines typically used in sparsely populated areas for oil and gas production
 - o engines in remote areas of Alaska
 - o engines scheduled to be replaced in the next few years due to state or local requirements, and certain engines installed in 2006
 - o engine testing requirements for formaldehyde emissions
 - o engines for offshore vessels operating on the Outer Continental Shelf
 - o engines used in emergency demand response programs

- CI engines are compression ignition engines that use diesel fuels. SI engines are spark ignition engines that use mainly natural gas and gasoline fuels.
- EPA is also revising the new source performance standards (NSPS) for stationary internal combustion engines (ICE) to ensure consistency with the RICE NESHAP. In particular, specifying how the NSPS standard will apply to emergency engines used for demand response purposes.

AMENDMENTS

Area Source Stationary Spark Ignition Engines Above 500 HP

- These engines are typically natural gas powered engines that are used to power equipment for oil and gas production.
- EPA is replacing numerical emission limits for existing area source stationary spark ignition (SI) 4-stroke engines above 500 horsepower (HP) that are located in populated areas with requirements to install catalytic controls, conduct an initial test and annual performance checks of the catalyst, and equip the engine with a high temperature shutdown device or monitor the catalyst inlet temperature continuously.
 - Populated areas are defined as not being on Department of Transportation (DOT)
 Class 1 pipeline segments or having more than 5 buildings within 0.25 mile radius of the engine.
- EPA is specifying that existing area source stationary SI 4-stroke engines above 500 HP that are not located in populated areas are subject to management practices.
 - O Unpopulated areas are DOT Class 1 pipeline segments or having 5 or fewer buildings within 0.25 mile radius of the engine.

Remote Areas of Alaska

- EPA is expanding the definition of remote areas of Alaska beyond those not on the Federal Aid Highway System.
- This amendment addresses issues unique to Alaska residents who have more energy supply challenges and face harsh weather conditions.

Engines scheduled to be replaced in the next few years due to state or local rules, and certain engines installed in 2006

- EPA is amending the RICE NESHAP to:
 - Allow Tier 1 and Tier 2 certified stationary CI engines, that are scheduled to be replaced due to state or local rules, to meet management practices until January 1, 2015, or 12 years after installation date, but not later than June 1, 2018.
 - o Specify that existing stationary area source Tier 3 certified CI engines installed before June 12, 2006, are in compliance with the NESHAP.

Compliance Alternative for Formaldehyde Emissions

- EPA is adding an option for demonstrating the engines can meet the formaldehyde emission standard including:
 - o For existing and new SI 4-stroke rich burn (4SRB) non-emergency engines greater than 500 HP located at major sources, showing compliance with the formaldehyde percent reduction standard by demonstrating compliance with a 30 percent reduction of total hydrocarbon emissions.

Stationary CI Engines on Offshore Vessels on the Outer Continental Shelf

• EPA is specifying that existing area source stationary CI non-emergency engines above 300 HP that are on offshore drilling vessels on the Outer Continental Shelf are subject to management practices.

Emergency Engines

- EPA is specifying how NESHAP and NSPS standards will apply to a category of engines called emergency engines.
- Emergency engines may be used to prevent electrical outages and to test and maintain engines for up to a total of 100 hours per year.
- In 2015, emergency engines will be required to use cleaner fuel -- ultra low sulfur diesel (ULSD) -- if they operate, or commit to operate, for more than 15 hours annually as part of blackout and brownout prevention, also known as emergency demand response.
 - O Switching to cleaner fuel will reduce emissions of HAP, particulate matter and sulfur dioxide. Our information shows that only a small percentage of emergency engines currently use ULSD fuel. This will result in lower emissions.
- Starting in 2015, entities with 100 horsepower (hp) or larger engines that operate, or commit to operate, for more than 15 hours and up to 100 hours per year for emergency demand response will need to collect and submit an annual report including location, dates and times of operation.
 - Reporting requirements ensure compliance with the regulations and provide information about the air pollution impacts of the engines.
- For a combined total of 100 hours per year, emergency engines can be used for the following purposes:
 - o maintenance and testing,
 - o emergency demand response for Energy Emergency Alert Level 2 situations,
 - o responding to situations when there is at least a 5 percent or more change in voltage, and
 - o operating for up to 50 hours to head off potential voltage collapse, or line

overloads, that could result in local or regional power disruption.

- The rules restate that in an emergency, such as hurricane or ice storm, any engine of any size can operate without meeting control requirements or emission limits.
- Emergency engines that commit to run less than 15 hours for emergency demand response can operate without meeting federal control requirements or numeric emission limits.

BENEFITS AND COSTS

- The amendments will reduce the capital and annual costs of the original 2010 rules by \$287 million and \$139 million, respectively. EPA estimates that, with the amendments incorporated, the capital cost of the rules is \$840 million and the annual cost is \$490 million.
- The updated estimated reductions each year starting in 2013 are:
 - o 2,800 tons per year (tpy) of HAP,
 - o 36,000 tpy of carbon monoxide,
 - o 2,800 tpy of particulate matter,
 - o 9,600 tpy of nitrogen oxides, and
 - o 36,000 tpy of volatile organic compounds.
- EPA estimates the monetized co-benefits of the updated standards to be \$830 million to \$2.1 billion. EPA did not monetize the benefits associated with reducing exposure to air toxics or other air pollutants, ecosystem effects, or visibility impairment.

BACKGROUND

- In 2004, EPA finalized the first regulation for stationary RICE greater than 500 HP located at major sources of HAP. In 2008, EPA finalized regulations for new RICE less than or equal to 500 HP located at major sources and new RICE located at area sources.
- On March 3, 2010, EPA promulgated NESHAP for existing stationary CI RICE that are used at:
 - o area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,
 - o major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006,
 - o major sources of air toxics for non-emergency purposes, have a site rating of greater than 500 HP and constructed or reconstructed before December 19, 2002.
- On August 20, 2010, EPA promulgated NESHAP for existing stationary SI RICE that are used at:
 - o area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,

- o major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006.
- After the publication of the final rules in 2010, various stakeholders raised a number of issues through lawsuits, petitions for reconsideration of the final rule and other communications. The stakeholders requested that EPA reconsider requirements for operation of emergency engines, the control and monitoring requirements associated with existing SI engines at area sources, the requirements affecting engines in remote areas of Alaska and provisions related to agricultural engines. EPA granted the petitions, and, to address the issues, is making these amendments.
- EPA proposed amendments on May 22, 2012. A public hearing was held in Washington, D.C. on July 10, 2012, and comment was accepted on the proposed amendments through August 9, 2012. EPA has evaluated the issues raised and has made amendments based on our assessment of the comments provided.

FOR MORE INFORMATION

- The rule is posted at: http://www.epa.gov/ttn/oarpg/new.html.
- For more information on how to comply with the rule, please see: http://www.epa.gov/ttn/atw/rice/ricepg.html.
- Today's rule and other background information are also available either electronically at http://www.regulations.gov, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - O The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - O Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR-2008-0708.
- For further information about the action, contact Melanie King of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-2469 or by email at king.melanie@epa.gov.

FACT SHEET

FINAL AMENDMENTS TO THE EMISSION STANDARDS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

Specifics about Provisions Related to Emergency Engines

ACTION

- On January 14, 2013, the Environmental Protection Agency finalized amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines (RICE).
- In this rulemaking, EPA addressed several petitions for reconsideration, legal challenges and new technical information from stakeholders, including industry and environmental groups, which were brought to the EPA's attention after publication of the standards in 2010.
- The final amendments will ensure that the standards are cost effective, achievable, and protective.
- The final amendments will reduce particulate matter and sulfur dioxide emissions by requiring the use of cleaner fuel. The EPA has information that the majority of emergency engines do not use the cleaner fuel called ultra low sulfur diesel or ULSD. The EPA expects the reductions to be significant.
- Pollutants emitted from diesel engines are known or suspected of causing cancer and other serious health effects including:
 - o Aggravation of respiratory and cardiovascular disease
 - o Changes in lung function and increased respiratory symptoms
 - o Premature death in people with heart or lung disease
 - o Neurological, cardiovascular, liver, kidney health effects, and also effects on immune and reproductive systems.
- Requirements to report annual usage of emergency engines will provide data for EPA and the states to better understand the health impacts and the emissions that result from the engines.
- EPA is also revising the new source performance standards (NSPS) for stationary internal combustion engines to ensure consistency with the RICE NESHAP. In particular, specifying how the NSPS standard will apply to emergency engines used for demand response purposes.

EMERGENCY DEMAND RESPONSE

• EPA is specifying how NESHAP and NSPS standards will apply to a category of engines

called emergency engines.

- Emergency engines may be used to prevent electrical outages and to test and maintain engines for up to a total of 100 hours per year.
- In 2015, emergency engines will be required to use cleaner fuel -- ULSD -- if they operate, or commit to operate, for more than 15 hours annually as part of blackout and brownout prevention.
 - Switching to cleaner fuel will reduce emissions of hazardous air pollutants, particulate matter and sulfur dioxide. Our information shows that only a small percentage of emergency engines currently use ULSD fuel. Using cleaner burning fuel will result in lower emissions.
- Starting in 2015, entities with 100 horsepower (hp) or larger engines that operate, or commit to operate for more than 15 hours and up to 100 hours per year as part of blackout and brownout prevention will need to collect and submit an annual report including location, dates, and times of operation.
 - o Reporting requirements ensure compliance with the regulations and provide information about the air pollution impacts of the engines.
- A combined total of 100 hours per year may be used to prevent blackouts and brownouts without meeting emission limits for the following purposes:
 - o maintenance and testing,
 - o emergency demand response for Energy Emergency Alert Level 2 situations,
 - o responding to situations when there is at least a 5 percent or more change in voltage,
 - o operating for up to 50 hours to head off potential voltage collapse, or line overloads, that could result in local or regional power disruption.
- The rules restate that in an emergency, such as hurricane or ice storm, any emergency engine of any size can operate without meeting federal control requirements or emission limits.
- Emergency engines that commit to run less than 15 hours year as part of blackout and brownout prevention can operate without meeting federal control requirements or emission limits.

BACKGROUND

- In 2004, EPA finalized the first regulation for stationary RICE greater than 500 HP located at major sources of HAP. In 2008, EPA finalized regulations for new RICE less than or equal to 500 HP located at major sources and new RICE located at area sources.
- On March 3, 2010, EPA promulgated NESHAP for existing stationary compression

ignition RICE that are used at:

- o area sources of air toxics emissions and constructed or reconstructed before June 12, 2006,
- o major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006,
- o major sources of air toxics for non-emergency purposes, have a site rating of greater than 500 HP and constructed or reconstructed before December 19, 2002.
- On August 20, 2010, EPA promulgated NESHAP for existing stationary spark ignition (SI) RICE that are used at:
 - o area sources of air toxics emissions and constructed or reconstructed before June 12, 2006.
 - o major sources of air toxics emissions, have a site rating of less than or equal to 500 HP and constructed or reconstructed before June 12, 2006.
- After the publication of the final rules in 2010, various stakeholders raised a number of issues through lawsuits, petitions for reconsideration of the final rule and other communications. The stakeholders requested that EPA reconsider standards for operation of emergency engines. EPA granted the petitions, and, to address the issues, is making these amendments.
- EPA proposed amendments on May 22, 2012. A public hearing was held in Washington, D.C. on July 10, 2012, and comment was accepted on the proposed amendments through August 9, 2012. EPA has evaluated the issues raised and has made amendments based on our assessment of the comments provided.

FOR MORE INFORMATION

- The rule is posted at: http://www.epa.gov/ttn/oarpg/new.html.
- For more information on how to comply with the rule, please see: http://www.epa.gov/ttn/atw/rice/ricepg.html.
- Today's rule and other background information are also available either electronically at http://www.regulations.gov, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - o The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - O Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - o Materials for this action can be accessed using Docket ID No. EPA-HQ-OAR-

2008-0708.

• For further information about the action, contact Melanie King of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-2469 or by email at king.melanie@epa.gov.



Re: Briefing on distribution of grants for clear air program activities

Joseph, Avenel to: Cheryl Mackay

05/24/2012 03:19 PM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To:

Cheryl Mackay/DC/USEPA/US@EPA

Yes. It will probably be myself, Michal Freedhoff and Ana Unruh-Cohen.

Avenel Joseph, M.S., Ph.D. Office of Rep. Edward J. Markey

From: Cheryl Mackay [mailto:Mackay.Cheryl@epamail.epa.gov]

Sent: Thursday, May 24, 2012 03:12 PM

To: Joseph, Avenel

Subject: Re: Briefing on distribution of grants for clear air program

activities

I think we are close. Just to confirm- the briefing will be just for Congressman Markey's personal staff?

From: "Joseph, Avenel" [Avenel.Joseph@mail.house.gov]

Sent: 05/24/2012 02:54 PM AST

To: Cheryl Mackay

Subject: RE: Briefing on distribution of grants for clear air

program activities

Ok. Thank you.

Avenel Joseph, M.S., Ph.D.
Office of Congressman Edward J. Markey
2108 Rayburn House Office Building

From: Cheryl Mackay [mailto:Mackay.Cheryl@epamail.epa.gov]

Sent: Wednesday, May 23, 2012 4:36 PM

To: Joseph, Avenel

standards, EPA works with states and tribes as appropriate to identify areas that do not meet the standards and establish plans to improve air quality. EPA continues to work to review the science needed to inform the next five-year review of the smog standards and currently expects to propose action in 2013.

More about final designations throughout the country: http://www.epa.gov/ozonedesignations/2008standards/index.htm

Cheryl A. Mackay
U.S. EPA
Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

FOF

Final-Overview-QA-ozone-des.pdf

FYI: EPA Proposes to Update the Mercury and Air Toxics Standards for New Power Plants

Cheryl Mackay to:

11/19/2012 10:07 AM

maryam.brown, mary.neumayr, david.mccarthy, heidi.king, anita.bradley, Bcc: michael.weems, james.thomas, cory.hicks, chris.sarley, grant.culp,

"carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From:

Cheryl Mackay/DC/USEPA/US

To:

Bcc:

maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov,

david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov,

michael.weems@mail.house.gov, james.thomas@mail.house.gov,

On November 16, 2012, EPA proposed to update emission limits for new power plants under the Mercury and Air Toxics Standards (MATS). The updates would only apply to future power plants; would not change the types of state-of-the-art pollution controls that they are expected to install; and would not significantly change costs or public health benefits of the rule.

The public will have the opportunity to comment for 30 days after publication in the Federal Register and at a public hearing in Washington DC if one is requested.

More in the attached fact sheet and at http://www.epa.gov/mats/actions.html

POF

MATS recon factsheet.pdf

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

EPA Announcement: National Ambient Air Quality Standards for Particulate Matter Cheryl Mackay to: 12/14/2012 01:19 PM

neal.ullman, moshay.simpson, chris.kaumo, allison.rose, minh.ta,
Bcc: monique.watson, NADINE.BERG, ALEX.SALTMAN, megan.michaud,
michael.darner, amanda.fischer, nick.martinelli, susan.collins, eric.werwa,

From:

Cheryl Mackay/DC/USEPA/US

To:

Bcc:

neal.ullman@mail.house.gov, moshay.simpson@mail.house.gov,

chris.kaumo@mail.house.gov, allison.rose@mail.house.gov, minh.ta@mail.house.gov,

monique.watson@mail.house.gov, NADINE.BERG@MAIL.HOUSE.GOV,

Good Afternoon:

Today EPA Administrator Lisa Jackson is signing final regulations strengthening the fine particulate matter (PM2.5) annual standard by lowering it from 15 to 12 micrograms/cubic meter. The existing 24-hour standard for PM2.5, set at 35 micrograms/cubic meter, was retained. The existing standards for coarse particulates, or PM10, were retained at 150 micrograms/cubic meter.

For much more information, please take a look at our website which is now live:

http://www.epa.gov/pm

Please call if you have questions.

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

RE: Briefing on distribution of grants for clear air program activities (1) Cheryl Mackay to: Joseph, Avenel					05/29/2012 12:33 PM
From:	Cheryl M	ackay/DC/USEPA/US			
To:	-	Avenel" <avenel.jose< td=""><td></td><td></td><td></td></avenel.jose<>			
			ninistrator) is available on 5 call on this issue? Thanks	5/31from 12:30	to 2:30. Would any
Cheryl A. Mac U.S. EPA Office of Cong tel: (202) 564 fax: (202) 50	gressiona 2023	l Relations			
"Joseph, A	venel"	Ok. Thank you	AND AND AND ADDRESS OF THE SECOND SEC	····	05/24/2012 02:54:25 PM
From: To: Date: Subject:	Cheryl I 05/24/2	Mackay/DC/USEPA/US 012 02:54 PM	seph@mail.house.gov> S@EPA grants for clear air program ac	ctivities	
Ok. Thank you	J.				
Avenel Joseph,	M.S. Ph.	.D.			
•	essman Ed	lward J. Markey			
Sent: Wedne: To: Joseph, A	sday, May venel	23, 2012 4:36 PM	yl@epamail.epa.gov] ants for clear air program ac	ctivities	
Avonal. Thanks for the VM on this earlier today. Lam still working on getting time on people's calendars. It					

Avenel, Thanks for the VM on this earlier today. I am still working on getting time on people's calendars. It turns out this issue is going to go higher than the staff level and that has created some scheduling challenges... thanks for the patience.

Cheryl A. Mackay U.S. EPA

Office of Congressional Relations

"Joseph, Avenel" ---05/15/2012 01:32:11 PM---Cheryl, Attached is the letter we received. We are trying to get better clarity on what's going on

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov> To: Cheryl Mackay/DC/USEPA/US@EPA

Date: 05/15/2012 01:32 PM

Subject: Briefing on distribution of grants for clear air program activities

Cheryl,

Attached is the letter we received. We are trying to get better clarity on what's going on here.

Thanks, Avenel

Avenel Joseph, M.S., Ph.D. Office of Representative Edward J. Markey (MA-07) 2108 Rayburn House Office Building Washington, DC 20515

Follow Rep. Markey on Facebook, YouTube, and Twitter Sign up for Rep. Markey's e-newletter at http://markey.house.gov/signup

(See attached file: Air Commissioners EPA Formula Funding Letter.pdf)





















Dear New England and Northwest Congressmen and Congresswomen,

We are writing collectively to bring to your attention an important issue regarding the allocation of federal funding for air quality programs in New England and the Northwest/Alaska. Simply put, the United States Environmental Protection Agency (EPA) plans to implement a new funding formula that will reduce our share of federal air program funding by 30% to 40% over the next seven to eight years, and redistribute those funds to other regions of the country. We request your help to prevent this outcome.

When EPA made a similar proposal to reallocate the grants last year, we worked with many of you to raise awareness about the potential adverse impacts of the proposed formula. Because of your successful advocacy, the revised funding formula was not implemented, and we are grateful for your efforts on this issue. Unfortunately, further attention is needed this year.

EPA has announced two changes in the distribution of fiscal year 2013 grants for air program activities:

- 1) EPA proposes to implement the revised Section 105 allocation formula for the distribution of state/local air grant funds. Under the proposed revision, EPA will reallocate funds to other areas of the country, rewarding regions with large populations that have not done as much as we have to improve air quality. While EPA has indicated that it will phase in the change, we will still experience reductions in funding year after year until our grant is reduced by 30% to 40%. These reductions will occur unless Congress dramatically increases the overall Section 105 funding available, or Congress directs EPA not to implement the reallocation until such time as Section 105 funding is significantly increased (which we hope can be included with this year's approval of EPA's budget).
- 2) Per direction from the Office of Management and Budget, EPA will transition air monitoring funds in support of the fine particulate matter pollutant (PM2.5) monitoring from under Section 103 of the Clean Air Act, where no match is currently needed, to under Section 105, which would require matching funds from states. Federal support under Section 103 would be reduced, with state and local agencies expected to make up the difference with state funds. This could mean that EPA reduces the funding for PM2.5 monitoring by 40% and would create a substantial additional burden on state and local air agencies throughout the country.

While we understand EPA's implementation of the revised allocation formula continues to be a priority for some Regions and EPA Headquarters, we are asking that any changes <u>not</u> be implemented in the manner EPA has laid out. Specifically, we believe any change in the funding formula that will affect state allocations should be delayed until there is a sufficient increase in the total Section 105 funding such that no Region sees a reduction in its prior year allocation. The New England and Northwest states simply cannot afford to lose federal funding, which affects our ability to staff our Air Quality programs that monitor and regulate air pollution, especially at a time when the EPA is issuing numerous new air quality requirements that we must implement and enforce. In addition, this proposed change in the formula comes on top of years in which categorical grants to states have remained flat or decreased.

As you know, the New England and the Northwest regions have historically been national leaders in air quality programs. Specifically, we have led the way on issues such as demonstrating the feasibility of advanced emissions controls for mercury on power plants, pioneering diesel retrofits for construction equipment and school buses, pioneering certification of cleaner woodstoves, and advancing the science of transported air pollution, to name a few. These efforts have helped our states make critical progress in protecting our environment and the health of our residents. Yet at the same time, the New England states continue to be heavily-- and disproportionately-- affected by transported pollution from upwind regions of the country, while the Northwest states (including Alaska) must monitor and regulate air quality in a land area that accounts for over a fifth of the country. EPA's proposed revision to the Section 105 funding formula, which would reduce funding by about \$1 million for New England and \$500,000 for the Northwest in the next fiscal year and further reduce our workforce dedicated to air quality programs, would exacerbate the challenges we already face combating air pollution.

Lastly, EPA's plan to shift monitoring funds from Section 103 to Section 105 authority leaves us concerned about our ability to meet the matching requirements and make up the lost funding for monitoring. Current PM2.5 levels in New England and the Northwest contribute to increased mortality, and disproportionately affect citizens whose health is compromised already.

We, the state Environmental Commissioners, therefore ask that you please work with your colleagues to prevent EPA from implementing the two proposed changes outlined above. We request your help to ensure that the air quality programs in the New England and Northwest states are, at least, level funded by EPA and that we continue receiving the funds necessary to monitor for PM2.5.

Thank you for your attention, assistance and support. Please contact Janet Coit of Rhode Island, Ken Kimmell of Massachusetts, Ted Sturdevant of Washington, or Larry Hartig of Alaska if you have any questions.

Best,

New England and Northwest State Environmental Commissioners

Larry Hartig, Commissioner

Say Farly

Alaska Department of Environmental Conservation

Daniel Esty, Commissioner

Doul ! Esta

Connecticut Department of Environmental Protection

Curt Fransen, Director

Idaho Department of Environmental Quality

Menus

Kenneth Kimmell, Commissioner
Massachusetts Department of Environmental Protection

Thomas & Zwask

Thomas S. Burack, Commissioner New Hampshire Department of Environmental Services

Dick Pedersen, Director

Oregon Department of Environmental Quality

Jan & An

Janet Coit, Director

Rhode Island Department of Environmental Management

David Mears, Commissioner

Vermont Department of Environmental Conservation

Ted Sturdevant, Director

Washington State Department of Ecology

cc: Lisa Jackson, Administrator, U.S. Environmental Protection Agency Gina McCarthy, Assistant Administrator, U.S. Environmental Protection Agency



Accepted: call - EPA and Rep. Markey's staff - distribution of grants for clean air program activities

Thu 05/31/2012 1:30 PM - 2:30

call:

PM

Location:

code

Avenel.Joseph@mail.house.gov "Joseph, Avenel" has accepted this meeting invitation

Required:

Avenel.Joseph@mail.house.gov, Janet McCabe/DC/USEPA/US@EPA

Optional:

Emily Atkinson/DC/USEPA/US@EPA

FYI:



Letter from Rep Markey to Admin Jackson Joseph, Avenel to: Cheryl Mackay, Laura Vaught

08/31/2012 01:00 PM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To:

Cheryl Mackay/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA

Hi Cheryl and Laura,

I'm not sure who the right contact is on this, but I wanted to send along an electronic version of a letter my boss is sending today to Admin Jackson regarding hurricane Isaac and old BP oil in the Gulf of Mexico. Please let me know who the right POC on this would be.

Thanks, Avenel

Avenel Joseph, M.S., Ph.D.
Office of Representative Edward J. Markey (MA-07)
2108 Rayburn House Office Building
Washington DC 20515

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08-31-12 letter to EPA_oil and hurricane Isaac FINAL.pdf

DOC HASTINGS, WA CHARMAN
DON YOUNG, AX
JOHN J. DUNCAN, JR., TN
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
MIKE COFFMAN, CO
OM MCCLINTOCK, CA
GLENN THOMPSON, PA
JEFF DENHAM, CA
DAN BENISHEK, MI
DAVID RIVERA, FL
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAUL R. LABRADOR, ID
KRISTIL, NOEM, SO
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
ANDY HARRIS, MO
JEFFREY M LANDRY, LA
JON RUNYAN, NJ
JON RUNYAN, NJ
BILL JOHNSON, OH
MARK AMODEL, NV

H.S. House of Representatives Committee on Natural Resources Washington, VC 20515

August 31, 2012

EDWARD J. MARKEY, MA

RANKING DEMOCRATIC MEMBER
DALE E. KILDEE, MI
PETER A. DEFAZIO, OR
ENI F.H. FALEOMAVAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
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COLLEEN W. HANABUSA, HI
PAUL TONKO, NY

JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

TODD YOUNG CHIEF OF STAFF

The Honorable Lisa Jackson Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

As Hurricane Isaac barreled into the Gulf of Mexico with 100 mile-per-hour winds, it was estimated that as much as 1 million barrels of oil buried in the Gulf of Mexico sediment since the BP Deepwater Horizon disaster would be stirred up and mixed into the waters of the Gulf¹. As emergency responders deal with the impacts of this storm on land, I am writing to understand the plans the National Oceanic and Atmospheric Administration (NOAA) has to deal with the impacts the BP oil will have on the beaches and marshlands.

More than two years have passed since the explosion aboard the Deepwater Horizon drilling rig caused a massive blowout from the BP Macondo well. It took 87 days until the well was capped and oil flow halted. During the spill an unprecedented amount of oil was released into the Gulf of Mexico, making it the largest marine oil spill in U.S. history. Estimates place the volume of oil released at nearly 5 million barrels. As part of the efforts to mitigate the impacts of this catastrophic oil spill, millions of gallons of chemical dispersant were added to the Gulf waters, contributing to a stew of chemicals, oil and gas with impacts that are still not fully understood. Although smaller storms have hit the Gulf over the last 2 years, Isaac was the first hurricane to hit the area since this worst oil spill in U.S. history. According to the U.S. National Hurricane Center, the storm reached winds of as high as 80 miles-per-hour with a storm surge of 12 feet as it hit land.

As the storm passed, any oil carried by the winds and storm surge could be pushed deeper into the marshlands and potentially back onto land, re-igniting the potential for this oil to impact the plants and animals that thrive in the swamps and marshes. Furthermore, oil that has settled into the sediment in swallower areas of the Gulf

http://www.businessweek.com/news/2012-08-28/louisiana-plans-for-gulf-oil-dredged-by-isaac-s-force

may have been churned up to the surface. In light of these environmental concerns, I am writing to determine what steps EPA will take to deal with these potential risks. Therefore, I respectfully, ask that you respond to the following questions by close of business on September 14, 2012:

- 1. What is EPA's experience dealing with past storm activity in the Gulf of Mexico? Have past smaller storms caused oil to resurface? If so, can you please describe any environmental impacts it may have had, and how EPA responded and/or remediated any such damages?
- 2. What interaction does the EPA have with other federal agencies in addressing the potential environmental risk from oil that may be churned up during a strong storm?
- 3. What tools does the EPA employ in dealing with weathered oil that resurfaces during a storm? Does the EPA view this as another opportunity to remove and remediate oil that would otherwise be inaccessible in the sediment?

Thank you for your assistance and cooperation in responding to this request. Should you have any questions, please have your staff contact Dr. Avenel Joseph of the Natural Resources Democratic staff at 202-225-2836.

Sincerely,

Edward J. Markey Ranking Member

Natural Resources Committee



{In Archive} Re: GHG slides Freedhoff, Michal to: Cheryl Mackay

01/25/2011 10:13 AM

From:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

To:

Cheryl Mackay/DC/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Thanks very much. Any testimony or PRs that describe efforts, esp those designed to ease regulatory uncertainty or economic impact.

Μ

Michal Ilana Freedhoff, Ph.D.
Policy Director
Office of Representative Edward J. Markey
2108 Rayburn House Office Building
Washington, DC 20515
202-225-2836

Sent using BlackBerry

---- Original Message -----

From: Mackay.Cheryl@epamail.epa.gov <Mackay.Cheryl@epamail.epa.gov>

To: Freedhoff, Michal

Sent: Tue Jan 25 10:10:08 2011

Subject: GHG slides

Michal, Got your voicemessage. Working on figuring out what else we might be able to send you but for now I think these briefing slides will be helpful. They are what we used for the Jan 12 GHG reg briefing that E&C sponsored.

Cheryl A. Mackay

U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

(See attached file: Gina_GHG Hill 1_12_11 v2.ppt)



Sven-Erik Kaiser/DC/USEPA/US

To:

avenel.joseph@mail.house.gov, Raquel Snyder/DC/USEPA/US

CC:

bcc:

Subject:

Cong. Markey Inquiry about Triclosan Treated Materials

Posted Date:

02/14/2013 05:32 PM

Distribution List: <avenel.joseph@mail.house.gov>, Raquel Snyder/DC/USEPA/US@EPA

Avenel,

Following up on the conference call briefing on triclosan, below are responsive links. My colleague Raquel Snyder is working to collect information on treated article enforcement actions and will forward you the material as promptly as possible. Please let me know if any additional questions. Thanks, Sven

Fact Sheet: http://www.epa.gov/pesticides/factsheets/treatart.htm Pesticide Registration Notice: http://www.epa.gov/PR_Notices/pr2000-1.pdf



Sven-Enk Kaiser/DC/USEPA/US

To:

avenel.joseph@mail.house.gov

CC:

bcc:

Subject:

Cong. Markey Request for an Update on Triclosan

Posted Date:

02/06/2013 05:30 PM

Distribution List: <avenel.joseph@mail.house.gov>

Avenel,

Thanks for the request for an update on plans to review triclosan in 2013. Any availability tomorrow, Thurs, Feb 7 after 4pm for a call? Thanks, Sven



Sven-Enk Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

CC:

Laura Vaught/DC/USEPA/US, Bryan Myers/R4/USEPA/US, Allison Wise/R4/USEPA/US, Denis

Borum/DC/USEPA/US, Greg Spraul/DC/USEPA/US

bcc:

Subject:

Cong. Markey Request for Florida Everglades Information

Posted Date:

10/27/2011 05:45 PM

Brett,

Thank you for the inquiry. Please see the responses to your questions below. Please let me know if you have any additional questions. Thanks, Sven

1) how much the South Florida Water district needs to spend to address water quality issues relating to upstream impacts

EPA's Amended Determination (Sep 2010) provides a blueprint for the projects needed for the District's discharges to meet the Phosphorus water quality standard before discharging into the Everglades. The estimated cost for the Amended Determination projects is \$1.5 Billion. The District has proposed an alternative set of projects that it says will achieve the Phosphorus criterion. The District is saying these projects will cost them \$400 Million. The Region is currently evaluating the District's proposed set of projects to determine if these projects will achieve the phosphorus criterion.

2) How many violations have there been (any metric is fine).

The District has 5 NPDES permits issued by the FL Dept of Environmental Regulation for the discharges from the treatment works to the Everglades. There are no documented permit violations because the state-issued permits have flexible limits and permit conditions that have not been violated by the District even though the District's treatment works are discharging loads of phosphorus that are continuing to harm the Everglades . The District also operates under the Consent Decree in the US vs FL which imposes a set of requirements for discharges into the Arthur R. Mashall Loxahatchee Wildlife Refuge on the State and the District . There have been several exceedances of the limits for discharges into the Refuge which is currently being dealt with under the dispute resolution provisions of the Consent Decree.

3) What are the costs of other compliance and or water treatment costs (for example, did the district have to spend X dollars on some big capital improvement projects to meet WQS)

See the answer to number 1. The District has estimated their costs to date to meet the phosphorus water quality standard to be between \$1 and \$1.5 Billion.

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753



Sven-Erik Kaiser/DC/USEPA/US

To:

"Cohen, Jill" < Jill.Cohen@mail.house.gov>

CC:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

bcc:

Subject:

Cong. Markey (MA) letter regarding bees and neonicotinoids

Posted Date:

09/19/2012 12:45 PM

Distribution List: <Jill.Cohen@mail.house.gov>, <Avenel.Joseph@mail.house.gov>

Jill.

Thanks for asking about the response to Cong. Markey's letter on bees and pesticides. We have been working to collect the information required to answer the questions and the response is close to approval. I'll send you and Avenel an advance copy as soon as it's signed. Thanks,

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Cohen, Jill"

Dear Mr. Kaiser, On August 22 of this y...

09/19/2012 12:22:23 PM

From:

"Cohen, Jill" <Jill.Cohen@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Cc:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

Date:

09/19/2012 12:22 PM

Subject:

Representative Markey's letter to EPA regarding bees and neonicotinoids

Dear Mr. Kaiser,

On August 22 of this year Mr. Markey sent a letter to Ms. Jackson inquiring about EPA's efforts to protect bees from harmful effects of neonicotinoid pesticides. In the letter, he asked for a response by September 9th. Will you kindly let myself and Dr. Avenel Joseph (listed as contacts on the letter) know when we can expect a response from Ms. Jackson?

Thank you,

Jill



Sven-Erik Kaiser/DC/USEPA/US

To:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

cc:

"Cohen, Jill" < Jill.Cohen@mail.house.gov>

bcc:

Subject:

RE: Cong. Markey (MA) letter regarding bees and neonicotinoids

Posted Date:

09/19/2012 12:51 PM

Distribution List: <Avenel.Joseph@mail.house.gov>, <Jill.Cohen@mail.house.gov>

I expect a week or less. I'll let you know if something unexpected happens that would change things.

Thanks. Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Joseph, Avenel"

Thanks Sven, Are you expecting thi...

09/19/2012 12:47:10 PM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA, "Cohen, Jill" < Jill.Cohen@mail.house.gov>

Date:

09/19/2012 12:47 PM

Subject:

RE: Cong. Markey (MA) letter regarding bees and neonicotinoids

Thanks Sven.

Are you expecting this in a matter of days? Weeks? More?

Avenel

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Wednesday, September 19, 2012 12:46 PM

To: Cohen, Jill Cc: Joseph, Avenel

Subject: Cong. Markey (MA) letter regarding bees and neonicotinoids

Jill.

Thanks for asking about the response to Cong. Markey's letter on bees and pesticides. We have been

working to collect the information required to answer the questions and the response is close to approval. I'll send you and Avenel an advance copy as soon as it's signed. Thanks, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

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From: "Cohen, Jill" <Jill.Cohen@mail.house.gov>
To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Cc: "Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

Date: 09/19/2012 12:22 PM

Subject: Representative Markey's letter to EPA regarding bees and neonicotinoids

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Thank you,

Jill



Sven-Erik Kaiser/DC/USEPA/US

To:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

cc:

bcc:

Subject:

RE: Cong. Markey Request for an Update on Triclosan

Posted Date:

02/06/2013 06:05 PM

Distribution List: <Avenel.Joseph@mail.house.gov>

oops - will correct ASAP

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Joseph, Avenel"

this is for tomorrow right? Invite said...

02/06/2013 06:04:36 PM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

02/06/2013 06:04 PM

Subject:

RE: Cong. Markey Request for an Update on Triclosan

this is for tomorrow right? Invite said 2/14

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Wednesday, February 06, 2013 6:01 PM

To: Joseph, Avenel

Subject: RE: Cong. Markey Request for an Update on Triclosan

Great - I'll send out a scheduler with call in number. Thanks, Sven



Sven-Erik Kaiser/DC/USEPA/US

To:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

cc:

bcc:

Subject:

RE: Cong. Markey Request for an Update on Triclosan

Posted Date:

02/06/2013 06:01 PM

Distribution List: <Avenel.Joseph@mail.house.gov>

Great - I'll send out a scheduler with call in number. Thanks, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Joseph, Avenel"

I can do anytime between 4 and 5pm...

02/06/2013 05:57:18 PM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

02/06/2013 05:57 PM

Subject:

RE: Cong. Markey Request for an Update on Triclosan

I can do anytime between 4 and 5pm.

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Wednesday, February 06, 2013 5:30 PM

To: Joseph, Avenel

Subject: Cong. Markey Request for an Update on Triclosan

Avenel.

Thanks for the request for an update on plans to review triclosan in 2013. Any availability tomorrow, Thurs, Feb 7 after 4pm for a call? Thanks, Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753



Sven-Erik Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

CC:

bcc:

Subject:

SEPW Briefing on ESA BiOps

Posted Date:

01/24/2012 10:48 AM

Distribution List: <Brett.Hartl@mail.house.gov>

Brett- I saw you were cc'd by Grant Cope for the SEPW briefing on ESA BiOps on Thursday, January 26 at 3:30pm in 468 Dirksen. Are you attending? Thanks, Sven



Sven-Erik Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

CC:

bcc:

Subject: Re: Joint Pilot Project

Posted Date:

01/10/2012 11:46 AM

Distribution List: <Brett.Hartl@mail.house.gov>

Brett - did you hear anything from NOAA? I'll check with Tanya on timing for an update. Please let me know if you have any additional questions. Thanks, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Hartl, Brett"

Hi Tanya, Sven, Happy new year. I wa...

01/04/2012 11:33:39 AM

From:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

To:

"Tanya.Dobrzynski" <Tanya.Dobrzynski@noaa.gov>, Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

01/04/2012 11:33 AM

Subject:

Joint Pilot Project

Hi Tanya, Sven,

Happy new year. I wanted to see if there was any update on the pilot project for BiOp 5. I have been out of the office for quite a while, but would appreciate an update on this as well as anything else pesticide related.

Thanks,

Brett Hartl Committee on Natural Resources **Democratic Staff** 186 Ford House Office Building Washington, D.C. 20515

Connect with the Committee Democrats: Website | Twitter | Facebook | Youtube



Sven-Erik Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

CC:

bcc:

Subject:

Re: Letter to NAS from Congressman Markey

Posted Date:

11/04/2011 09:01 AM

Distribution List: <Brett.Hartl@mail.house.gov>

Brett - thanks - I forwarded to the program folks. Best, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Hartl, Brett"

For your records. Brett Hartl

11/04/2011 08:48:16 AM

From:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

To:

"Tanya.Dobrzynski" <Tanya.Dobrzynski@noaa.gov>, "'Megan_Kelhart@fws.gov'"

<Megan_Kelhart@fws.gov>, Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

11/04/2011 08:48 AM

Subject:

Letter to NAS from Congressman Markey

For your records.

Brett Hartl Committee on Natural Resources Democratic Staff 186 Ford House Office Building Washington, D.C. 20515

Connect with the Committee Democrats: Website | Twitter | Facebook | Youtube [attachment "EJM Letter to NAS 11.3.2011.pdf" deleted by Sven-Erik Kaiser/DC/USEPA/US]



Sven-Erik Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

CC:

Laura Vaught/DC/USEPA/US, Bryan Myers/R4/USEPA/US, Allison Wise/R4/USEPA/US, Denis

Borum/DC/USEPA/US, Greg Spraul/DC/USEPA/US

bcc:

Subject:

Cong. Markey Request for Florida Everglades Information

Posted Date:

10/27/2011 05:45 PM

Allison Wise/R4/USEPA/US@EPA, Denis Borum/DC/USEPA/US@EPA, Greg Spraul/DC/USEPA/US@EF

Brett,

Thank you for the inquiry. Please see the responses to your questions below. Please let me know if you have any additional questions. Thanks, Sven

1) how much the South Florida Water district needs to spend to address water quality issues relating to upstream impacts

EPA's Amended Determination (Sep 2010) provides a blueprint for the projects needed for the District's discharges to meet the Phosphorus water quality standard before discharging into the Everglades. The estimated cost for the Amended Determination projects is \$1.5 Billion. The District has proposed an alternative set of projects that it says will achieve the Phosphorus criterion. The District is saying these projects will cost them \$400 Million. The Region is currently evaluating the District's proposed set of projects to determine if these projects will achieve the phosphorus criterion.

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Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations "Joseph, Avenel" ---02/06/2013 05:57:18 PM---I can do anytime between 4 and 5pm.

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Date: 02/06/2013 05:57 PM

Subject: RE: Cong. Markey Request for an Update on Triclosan

I can do anytime between 4 and 5pm.

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Wednesday, February 06, 2013 5:30 PM

To: Joseph, Avenel

Subject: Cong. Markey Request for an Update on Triclosan

Avenel,

Thanks for the request for an update on plans to review triclosan in 2013. Any availability tomorrow, Thurs, Feb 7 after 4pm for a call? Thanks,

Sven



Sven-Erik Kaiser/DC/USEPA/US

To:

Jill.Cohen@mail.house.gov

CC:

bcc:

Subject:

House Natural Resources Inquiry on Bees and Neonicotinoids

Posted Date:

07/10/2012 02:59 PM

Distribution List: <Jill.Cohen@mail.house.gov>

Jill - thanks for the inquiry. I'll send along shortly some background material on EPA's activities regarding bees and neonicotinoids. Please take a look and let me know if any followup questions. We can do a briefing with the folks working on it if it would be helpful. Best, Sven



Sven-Erik Kaiser/DC/USEPA/US

To:

"Cohen, Jill" < Jill.Cohen@mail.house.gov>

CC:

bcc:

RE: House Natural Resources Inquiry on Bees and Neonicotinoids

Posted Date:

07/10/2012 05:30 PM

Distribution List: <Jill.Cohen@mail.house.gov>

Jill - try this link:

http://www.epa.gov/pesticides/science/efed/policy guidance/team authors/terrestrial biology tech team/ honeybee_data_interim_guidance.htm

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Cohen, Jill"

Hi Sven, Thank you so much for sendin...

07/10/2012 05:21:15 PM

From:

"Cohen, Jill" < Jill.Cohen@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

07/10/2012 05:21 PM

Subject:

RE: House Natural Resources Inquiry on Bees and Neonicotinoids

Hi Sven,

Thank you so much for sending this along. I'm afraid the link below did not work for me. Can you please send me the link again?

a. Issue interim guidance to ensure consistency in requests for pollinator toxicity data to inform risk assessments and decisions – see interim guidance at: http://www.epa.gov/oppefed1/ecorisk ders/honeybee data interim guidance.pdf.

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 4:27 PM

To: Cohen, Jill

Subject: RE: House Natural Resources Inquiry on Bees and Neonicotinoids

Here's our latest background information. Please take a look and let me know if any followup needed. Thanks, Sven

Status of Neonicotinoids

• EPA has made the re-evaluation of all neonicotinoids a top priority in the registration review program.

- The registration review program ensures that, as policies and practices change, all registered pesticides continue to meet the statutory standard of no unreasonable adverse effects on people and the environment.
- EPA is coordinating its re-evaluation of the neonicotinoids with both Canada and the California Department of Pesticide Regulation.
- Registration Review Schedule for Neonicotinoids:
 - The registration reviews for clothianidin, dinotefuran, and thiamethoxam began December 2011. The docket for imidacloprid opened in December 2008.
 - The remaining neonicotinoids (acetamiprid and thiacloprid) will begin the registration review process by this September.
 - Thus, all of the neonicotinoids will have entered registration review by the end of 2012.
 - During this process, there will be opportunities for public comment as our efforts progress (please search for each chemical of interest at www.epa.gov/pesticides/chemicalsearch).
- While registration review has been progressing, the EPA also participated in a January 2011 workshop sponsored by the Society of Environmental Toxicology and Chemistry.
 - This conference brought together 48 scientific experts from government, industry, academia and non-governmental organizations from North America, South America, Europe, Australia and Africa.
 - The workshop goals included identification of consistent methods to measure pesticide effects and exposure to bees, development of a risk assessment process for pollinator species, and evaluation of whether methods of evaluating risks to honey bees are adequate for estimating risks to other types of insect pollinators.
 - Results of this workshop will be published later this year and will provide us with important scientific groundwork to better protect pollinators through our regulatory programs.
 - EPA is already using the results of the workshop to:
 - a. Issue interim guidance to ensure consistency in requests for pollinator toxicity data to inform risk assessments and decisions see interim guidance at:
 - http://www.epa.gov/oppefed1/ecorisk_ders/honeybeedata_interim_guidance.pdf.
 - b. In case-by-case situations, EPA is asking for additional non-guideline data to reduce uncertainties (special studies).
 - Acute oral toxicity tests.
 - Acute larval toxicity tests.
 - Semi-field tests (chronic).

Residue tests (in pollen and nectar)

c. Develop a draft quantitative pesticide risk assessment methodology specifically for pollinators to be submitted to the agency's external peer review committee, the Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel public meeting on September 11-14, 2012.

Recognizing that the solution to declining health of honey bees may involve changes in multiple areas of agriculture, EPA is working closely with the U.S. Department of Agriculture, which leads the Colony Collapse Disorder Steering Committee. A National Stakeholders Meeting will be held in October 2012 to focus on the multiple factors that affect pollinator health, e.g., pathogen, nutrition and colony management and pesticide impacts, as well as possible new areas for future research.

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Cohen, Jill" ---07/10/2012 04:18:42 PM---Thanks. I look forward to seeing what you put together. From: Sven-Erik Kaiser [mailto:Kaiser.Sven-

From: "Cohen, Jill" < Jill.Cohen@mail.house.gov > To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Date: 07/10/2012 04:18 PM

Subject: RE: House Natural Resources Inquiry on Bees and Neonicotinoids

Thanks. I look forward to seeing what you put together.

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 2:59 PM

To: Cohen, Jill

Subject: House Natural Resources Inquiry on Bees and Neonicotinoids

Jill - thanks for the inquiry. I'll send along shortly some background material on EPA's activities regarding bees and neonicotinoids. Please take a look and let me know if any followup questions. We can do a briefing with the folks working on it if it would be helpful. Best, Sven

Sven-Erik Kaiser U.S. EPA



Sven-Erik Kaiser/DC/USEPA/US

To:

"Cohen, Jill" < Jill.Cohen@mail.house.gov>

cc:

bcc:

Subject: RE: House Natural Resources Inquiry on Bees and Neonicotinoids

Posted Date:

07/10/2012 04:26 PM

Distribution List: <Jill.Cohen@mail.house.gov>

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Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Cohen, Jill"

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07/10/2012 04:18:42 PM

From:

"Cohen, Jill" <Jill.Cohen@mail.house.gov> Sven-Erik Kaiser/DC/USEPA/US@EPA

To: Date:

07/10/2012 04:18 PM

Thanks. I look forward to seeing what you put together.

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 2:59 PM

To: Cohen, Jill

Subject: House Natural Resources Inquiry on Bees and Neonicotinoids

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Sven-Erik Kaiser/DC/USEPA/US

To:

Cristian.lon@mail.house.gov, Raquel Snyder/DC/USEPA/US

CC:

Pamela Janifer/DC/USEPA/US, Carolyn Levine/DC/USEPA/US, Denis Borum/DC/USEPA/US,

reece.rushing@mail.house.gov

bcc:

Subject:

House Natural Resources Briefing Requests on ISR uranium operations

Posted Date:

05/30/2012 03:42 PM

Distribution List: <Cristian.lon@mail.house.gov>, <reece.rushing@mail.house.gov>, Raquel

Snyder/DC/USEPA/US@EPA, Pamela Janifer/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EF

Denis Borum/DC/USEPA/US@EPA

Cristian,

Thank you for the inquiries about EPA uranium remediation standards and underground injection control permits. These issues are separate enough that we will need to schedule briefings by different parts of the agency. I'm looping in my colleague Raquel Snyder to handle the cleanup questions and I can assist with the UIC questions. We'll be checking with the affected programs and getting back to you shortly with availabilities for briefings. Please let me and Raquel know if you have any additional questions. Best, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"lon, Cristian"

Hi Pamela, I promised you a quick ema...

05/30/2012 02:22:58 PM

From:

"lon, Cristian" < Cristian.lon@mail.house.gov>

To:

Pamela Janifer/DC/USEPA/US@EPA

Cc:

"Rushing, Reece" <Reece.Rushing@mail.house.gov>

Date:

05/30/2012 02:22 PM

Subject:

EPA briefing(s) on ISR uranium operations

Hi Pamela,

I promised you a quick email explaining what we are interested in. We would like to get a briefing from your colleagues early next week, if possible, on:

- Scope, substance, timing, challenges, and collaboration with other agencies regarding the EPA review of remediation standards (40 CFR 192) under the Uranium Mill Tailings Radiation Control Act (UMTRCA)
- 2) Scope, substance, timing, challenges, and collaboration with other agencies regarding the EPA review of 'aquifer exemption' rules for Underground injection control (UIC) wells.

Should it involve the same EPA staff, we could discuss both topics in one session. If not, we could have separate meetings on each topic.

We are particularly interested in how these rules and revisions apply to in-situ recovery (ISR) uranium

operations.

Thanks so much.

Cristian

Cristian V. Ion
U.S. House of Representatives
Committee on Natural Resources
Democratic Staff
186 Ford House Office Building
Washington, DC 20515



Sven-Erik Kaiser/DC/USEPA/US

To:

"Ion, Cristian" < Cristian.lon@mail.house.gov>

CC:

"Rushing, Reece" <Reece.Rushing@mail.house.gov>

bcc:

Subject:

RE: HNR Briefing Request on Pine Ridge, SD

Posted Date:

12/10/2012 11:43 AM

Distribution List: <Cristian.lon@mail.house.gov>, <Reece.Rushing@mail.house.gov>

Cristian.

Following up on your briefing request to see if we can get it scheduled this week. Please let me know if any of these dates and times work for you. I'm checking with my folks in the Office of Water and R8 on these same dates and times. Thanks, Sven

Thurs, Dec. 13 at 11am

Fri, Dec 14 at 11am, 1pm or 3pm

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"lon, Cristian"

Hi Sven-Erik - We would prefer to have...

12/06/2012 02:55:00 PM

From:

"Ion, Cristian" < Cristian.lon@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Cc:

"Rushing, Reece" < Reece. Rushing@mail.house.gov>

Date:

12/06/2012 02:55 PM

Subject:

RE: HNR Briefing Request on Pine Ridge, SD

Hi Sven-Erik – We would prefer to have this meeting sooner rather than later. The week of Dec 17 is also not that good for us. I suggested Dec 10 per your email below. We can push the meeting back later in the week of Dec 10, and we can have a phone conversation instead of a face-to-face meeting, if that helps from your end. Please let us know what times work for you next week. Thanks so much, Cristian

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Thursday, December 06, 2012 2:30 PM

To: Ion, Cristian Cc: Rushing, Reece

Subject: RE: HNR Briefing Request on Pine Ridge, SD

Cristian - thanks for your patience. Unfortunately Mon. Dec 10 does not work for us and the week is not good. What about Monday Dec. 17 at 2pm or later that week? Best, Sven

Sven-Erik Kaiser U.S. EPA

Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Ion, Cristian" ---12/06/2012 01:35:45 PM---Hi Sven-Erik – Could you please confirm that this time works from your end for a meeting? If not, pl

From: "Ion, Cristian" < Cristian.lon@mail.house.gov>

To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Cc: "Rushing, Reece" < Reece.Rushing@mail.house.gov > Date: 12/06/2012 01:35 PM

Subject: RE: HNR Briefing Request on Pine Ridge, SD

Hi Sven-Erik – Could you please confirm that this time works from your end for a meeting? If not, please suggest some other times. Thanks so much. Cristian

From: Ion, Cristian

Sent: Monday, December 03, 2012 5:11 PM **To:** 'Kaiser.Sven-Erik@epamail.epa.gov'

Cc: Rushing, Reece

Subject: RE: HNR Briefing Request on Pine Ridge, SD

Hi Sven-Erik - How about next Monday, December 10, between 2:00 and 3:00 pm Eastern time?

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Monday, December 03, 2012 3:18 PM

To: Ion, Cristian **Cc:** Rushing, Reece

Subject: HNR Briefing Request on Pine Ridge, SD

Cristian - we are preparing for the requested briefing on the proposed Pine Ridge uranium mine. It will need some internal discussion between HQ and our Region 8 office this week, so we'd like to look for something on the week of Dec. 10. Please let me know days that work best that week and I'll get it scheduled. Thanks.

Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"lon, Cristian" ---11/28/2012 04:50:09 PM---Hi Sven-Erik - I am writing to request a couple of briefings from EPA on two topics: 1. EPA's i

From: "Ion, Cristian" < Cristian.lon@mail.house.gov>

To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Cc: "Rushing, Reece" < Reece.Rushing@mail.house.gov>

Date: 11/28/2012 04:50 PM

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1. EPA's involvement with UIC permitting at the proposed Pine Ridge ISR in South Dakota: We learned that the South Dakota state legislature suspended the South Dakota Department of Energy and Natural Resource's oversight in the matter. It is now up to EPA to approve class III UIC permits for this operation. We would like to better understand what the situation is with permitting for this ISR mine application. We would also like to better understand EPA's role in providing permitting under UIC especially for aquifer exemption and deep injection of discharges for this proposed operation. Our understanding is that the applicant asked permission to withdraw water from two aquifers, but one of them seems to be is also being used for water for the city nearby.

2. EPA's decision to suspend BP from any federal contracts: We would like to better understand what EPA's reasoning was behind this decision, and what exactly this decision entails in terms of which type of contracts BP cannot have and from which agencies.

Next week (December 3-7) would be a good time for these briefings for us. We could have a meeting in person or over the phone, whichever works best for you.

Thanks so much for all your help with this, and please let us know if you have any questions.

Kind regards, Cristian

Cristian V. Ion
U.S. House of Representatives
Committee on Natural Resources
Democratic Staff
186 Ford House Office Building
Washington, DC 20515



Sven-Erik Kaiser/DC/USEPA/US

To:

"lon, Cristian" < Cristian.lon@mail.house.gov>

CC:

"Rushing, Reece" <Reece.Rushing@mail.house.gov>

bcc:

Subject:

RE: HNR Briefing Request on Pine Ridge, SD

Posted Date:

12/06/2012 02:29 PM

Distribution List: <Cristian.lon@mail.house.gov>, <Reece.Rushing@mail.house.gov>

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Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

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"Rushing, Reece" <Reece.Rushing@mail.house.gov>

Date:

12/06/2012 01:35 PM

Subject:

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U.S. House of Representatives
Committee on Natural Resources
Democratic Staff
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Sven-Erik Kaiser/DC/USEPA/US

To:

"Ion, Cristian" < Cristian.lon@mail.house.gov>

cc:

"Rushing, Reece" <Reece.Rushing@mail.house.gov>

bcc:

Subject:

HNR Briefing Request on Pine Ridge, SD

Posted Date:

12/03/2012 03:18 PM

Distribution List: <Cristian.lon@mail.house.gov>, <Reece.Rushing@mail.house.gov>

Cristian - we are preparing for the requested briefing on the proposed Pine Ridge uranium mine. It will need some internal discussion between HQ and our Region 8 office this week, so we'd like to look for something on the week of Dec. 10. Please let me know days that work best that week and I'll get it scheduled. Thanks,

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From: Tο:

"Ion, Cristian" < Cristian.lon@mail.house.gov>

Sven-Erik Kaiser/DC/USEPA/US@EPA "Rushing, Reece" <Reece.Rushing@mail.house.gov>

Cc: Date:

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Kind regards, Cristian

Cristian V. Ion
U.S. House of Representatives
Committee on Natural Resources
Democratic Staff
186 Ford House Office Building
Washington, DC 20515

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Wednesday, February 06, 2013 5:30 PM

To:

avenel.joseph@mail.house.gov

Subject:

Cong. Markey Request for an Update on Triclosan

Avenel.

Thanks for the request for an update on plans to review triclosan in 2013. Any availability tomorrow, Thurs, Feb 7 after 4pm for a call? Thanks, Sven

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Thursday, February 14, 2013 5:33 PM

To:

avenel.joseph@mail.house.gov; Snyder, Raquel

Subject:

Cong. Markey Inquiry about Triclosan Treated Materials

Avenel,

Following up on the conference call briefing on triclosan, below are responsive links. My colleague Raquel Snyder is working to collect information on treated article enforcement actions and will forward you the material as promptly as possible. Please let me know if any additional questions. Thanks, Sven

Fact Sheet: http://www.epa.gov/pesticides/factsheets/treatart.htm

Pesticide Registration Notice: http://www.epa.gov/PR Notices/pr2000-1.pdf

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Wednesday, February 06, 2013 6:01 PM

To:

Joseph, Avenel

Subject:

RE: Cong. Markey Request for an Update on Triclosan

Great - I'll send out a scheduler with call in number. Thanks,

Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To: Date: Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

02/06/2013 05:57 PM

Subject:

RE: Cong. Markey Request for an Update on Triclosan

I can do anytime between 4 and 5pm.

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey

2108 Rayburn House Office Building

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Wednesday, February 06, 2013 5:30 PM

To: Joseph, Avenel

Subject: Cong. Markey Request for an Update on Triclosan

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Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753



Re: Biofuels Freedhoff, Michal

to:

Carolyn Levine 07/10/2012 03:24 PM

Hide Details

From: "Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Thx.
Michal Ilana Freedhoff, Ph.D.
Policy Director
Office of Representative Edward J. Markey
2108 Rayburn House Office Building

Sent using BlackBerry

Washington, DC 20515

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 03:22 PM

To: Freedhoff, Michal Subject: Biofuels

-No biofuels mandate before RINs, but can compare to fuel purchases in general. -due diligence: don't you exercise due diligence buying (regular) fuel, real estate, etc.

Sent via BlackBerry



RE: can we get a briefing on this? DOI is telling us it is EPA not DOI

jurisdiction 🗎

Carolyn Levine to: Freedhoff, Michal

Cc: Arvin Ganesan, Pamela Janifer

02/21/2012 03:51 PM

hi Michal,

We are checking with our regional office on availability for a conference call, Pamela Janifer will get back to you.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

"Freedhoff, Michal"

Thanks! Michal Ilana Freedhoff, Ph.D.

02/21/2012 02:32:05 PM

From:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

To: Cc: Arvin Ganesan/DC/USEPA/US@EPA Carolyn Levine/DC/USEPA/US@EPA

Date:

02/21/2012 02:32 PM

Subject:

RE: can we get a briefing on this? DOI is telling us it is EPA not DOI jurisdiction

Thanks!

Michal Ilana Freedhoff, Ph.D. Policy Director Office of Congressman Edward J. Markey (D-MA) 2108 Rayburn House Office Building Washington, DC 20515

----Original Message----

From: Arvin Ganesan [mailto:Ganesan.Arvin@epamail.epa.gov]

Sent: Tuesday, February 21, 2012 2:31 PM

To: Freedhoff, Michal Cc: Carolyn Levine

Subject: Re: can we get a briefing on this? DOI is telling us it is EPA not

DOI jurisdiction

I'm adding Carolyn, who can coordinate with OSWER and the Region.

Thanks.

From:

"Freedhoff, Michal" <Michal.Freedhoff@mail.house.gov>

To:

Arvin Ganesan/DC/USEPA/US@EPA

Date:

02/21/2012 02:29 PM

Subject:

can we get a briefing on this? DOI is telling us it is EPA

not DOI jurisdiction

Thanks
Michal
11. OIL AND GAS:
Frozen drilling mud plagues effort to shut down runaway well

Published: Tuesday, February 21, 2012
email email
print print
Return to index Return to index
Customize edition Customize edition

Workers have encountered some major hurdles in the effort to shut down an Alaskan North Slope drilling rig, according to a status report yesterday from the Alaska Department of Environmental Conservation.

The Nabors Industries Inc. rig, which was drilling an exploration well for the Spanish oil company Repsol, underwent an emergency shutdown last week after an unexpected explosion of pressurized natural gas and drilling mud escaped the shallow hole, leading Repsol to call in a Texas-based response team (Greenwire, Feb. 17).

Repsol had hoped Wild Well Control Inc. would finish its work by Friday, but the rig and the drilling mud loaded onto it are frozen solid. To combat below-zero temperatures, the state agency has set up steam-generating boilers outside the rig.

"Frozen material in the drill cellar is several feet thick, and at this time crews are not able to estimate how long it will take to complete the necessary thawing operations," the agency said in its update yesterday.

Cleanup operations on the rig will have to wait until the well is once again under control (Richard Mauer, Anchorage Daily News, Feb. 20). -- PK

Michal Ilana Freedhoff, Ph.D.
Policy Director
Office of Congressman Edward J. Markey (D-MA)
2108 Rayburn House Office Building
Washington, DC 20515



RE: Uranium report? Carolyn Levine to: Joseph, Avenel

01/18/2013 12:36 PM

will do.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel"

Sounds very painful. When you have a better se...

01/18/2013 12:36:13 PM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

01/18/2013 12:36 PM

Subject:

RE: Uranium report?

Sounds very painful. When you have a better sense of timing for release, please do give me some notice.

thanks, Avenel

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Friday, January 18, 2013 12:34 PM

To: Joseph, Avenel

Subject: Re: Uranium report?

Hi Avenel,

We had a 3.5 hour interagency/OMB call yesterday. It's moving along, painfully.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel" ---01/18/2013 11:18:41 AM---Hi Carolyn, Just touching base to see how things are coming along with the 5-year report?

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Carolyn Levine/DC/USEPA/US@EPA

Date: 01/18/2013 11:18 AM Subject: Uranium report?

Hi Carolyn, Just touching base to see how things are coming along with the 5-year report? Thanks,



Re: Fw: EPA Region IX Press Release: EPA Details Results of \$100M Federal Effort to

Cleanup Navajo Uranium Contamination

Joseph, Avenel

to:

Raquel Snyder

01/24/2013 11:24 AM

Cc:

Carolyn Levine

Hide Details

From: "Joseph, Avenel." <Avenel.Joseph@mail.house.gov>

To: Raquel Snyder/DC/USEPA/US@EPA

Cc: Carolyn Levine/DC/USEPA/US@EPA

2 Attachments





graycol.gif 24084167.gif

When will it be going out publicly?

From: Snyder.Raquel@epamail.epa.gov [mailto:Snyder.Raquel@epamail.epa.gov]

Sent: Thursday, January 24, 2013 11:22 AM

To: Joseph, Avenel

Cc: Levine.Carolyn@epamail.epa.gov < Levine.Carolyn@epamail.epa.gov >

Subject: Re: Fw: EPA Region IX Press Release: EPA Details Results of \$100M Federal Effort to Cleanup Navajo

Uranium Contamination

Yes and this is the heads up. This info is the Congressional notification before the press Release and report is issued publically.

Many thanks,

Raquel Snyder Congressional Liaison U.S. EPA/Office of Congressional Affairs (202) 564-9586 FAX: (202) 501-1550

"Joseph, Avenel" ---01/24/2013 11:19:41 AM---??? I'm confused is this the same report my boss requested? And if so, why didn't we get a heads up?

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA

Date: 01/24/2013 11:19 AM

Subject: Fw: EPA Region IX Press Release: EPA Details Results of \$100M Federal Effort to Cleanup Navajo Uranium Contamination

???

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From: Maier.Brent@epamail.epa.gov [mailto:Maier.Brent@epamail.epa.gov]

Sent: Thursday, January 24, 2013 11:15 AM

To: Nick Matiella <nick_matiella@mccain.senate.gov>; Mark Delich <mark_delich@mccain.senate.gov>; Joe Donoghue <joe_donoghue@mccain.senate.gov>; doug_smith@mccain.senate.gov <doug_smith@mccain.senate.gov>; Gina Gormley <gina_gormley@mccain.senate.gov>; meghan_kielty@mccain.senate.gov <meghan_kielty@mccain.senate.gov>; chandler.morse@flake.senate.gov <chandler.morse@flake.senate.gov>; matthew.specht@flake.senate.gov <matthew.specht@flake.senate.gov>; steve.voeller@flake.senate.gov <steve.voeller@flake.senate.gov>; kris_kiefer@kyl.senate.gov <kris_kiefer@kyl.senate.gov>; clint_chandler@kyl.senate.gov <clint_chandler@kyl.senate.gov>; Gallus, Carmen; Johnson, Jennifer; Lee, Ron; jonathan_black@tomudall.senate.gov < jonathan_black@tomudall.senate.gov>; Collins, Michael; andrew wallace@tomudall.senate.gov <andrew wallace@tomudall.senate.gov>; jeanette lukens@tomudall.senate.gov <jeanette lukens@tomudall.senate.gov>; bianca@tomudall.senate.gov <bianca@tomudall.senate.gov>; calvert_curley@tomudall.senate.gov <calvert_curley@tomudall.senate.gov>; jim_dumont@heinrich.senate.gov <jim_dumont@heinrich.senate.gov>; heather.brewer@mail.house.gov <heather.brewer@mail.house.gov>; dan_alpert@heinrich.senate.gov <dan_alpert@heinrich.senate.gov>; maya.hermann@mail.house.gov <maya.hermann@mail.house.gov>; jude mccartin@heinrich.senate.gov <jude_mccartin@heinrich.senate.gov>; whitney_potter@heinrich.senate.gov <whitney_potter@heinrich.senate.gov>; steve_haro@heinrich.senate.gov <steve_haro@heinrich.senate.gov>; Jones, Andrew; Baca, Terri Nikole; Valencia, Pete; Catechis, Jennifer; Trujillo, Aaron; Lee, Brian; jared_brown@hatch.senate.gov < jared_brown@hatch.senate.gov >; melanie_bowen@hatch.senate.gov <melanie bowen@hatch.senate.gov>; mike freeman@lee.senate.gov <mike freeman@lee.senate.gov>; ellen schunk@lee.senate.gov <ellen schunk@lee.senate.gov>; victor iverson@lee.senate.gov <victor_iverson@lee.senate.gov>; Smith, Dell; Steed, Brian; joe_britton@markudall.senate.gov <joe_britton@markudall.senate.gov>; wendy_adams@markudall.senate.gov <wendy_adams@markudall.senate.gov>; wanda_cason@markudall.senate.gov <wanda_cason@markudall.senate.gov>; jennifer_rokala@markudall.senate.gov <jennifer_rokala@markudall.senate.gov>; sean_babington@bennet.senate.gov <sean_babington@bennet.senate.gov>; grant_colvin@bennet.senate.gov <grant_colvin@bennet.senate.gov>; john_whitney@bennet.senate.gov <john_whitney@bennet.senate.gov>; Small, Jeff; Eckman, Adam; Marcus, Darlene; Streit, Scott; Wender, Joseph; Joseph, Avenel; Lieberman, Eve; Krause, Courtney; jim_dumont@heinrich.senate.gov < jim_dumont@heinrich.senate.gov >; heather.brewer@mail.house.gov <heather.brewer@mail.house.gov>; dan_alpert@heinrich.senate.gov <dan_alpert@heinrich.senate.gov>; maya.hermann@mail.house.gov <maya.hermann@mail.house.gov>; jude_mccartin@heinrich.senate.gov <jude_mccartin@heinrich.senate.gov>; whitney_potter@heinrich.senate.gov <whitney_potter@heinrich.senate.gov>; steve_haro@heinrich.senate.gov <steve_haro@heinrich.senate.gov>; Kaumo, Chris; Miller, Glenn; Bragato, Brandon; Reyes, Ruben; Jones, Andrew; Baca, Terri Nikole; Valencia, Pete; Catechis, Jennifer; Trujillo, Aaron; Lee, Brian; Gascon, Doug; Patrick, Richard; de la Vara, Elisa; Guarascio, Tiffany; Hennessey, Brendan; Wright, Tuley; Baran, Jeff; greg.dotson@wwwd.house.gov

<greg.dotson@wwwd.house.gov>; alexandra.teitz@wwwd.house.gov <alexandra.teitz@wwwd.house.gov>;

patricia_beneke@energy.senate.gov <patricia_beneke@energy.senate.gov>; Baran, Jeff; Joseph, Avenel; Ion, Cristian; jonathan_black@tomudall.senate.gov <jonathan_black@tomudall.senate.gov>; jody_barringer@omb.eop.gov <jody_barringer@omb.eop.gov>; Ruth_VanMark@epw.senate.gov <Ruth_VanMark@epw.senate.gov>; Vacant <Grant_Cope@epw.senate.gov>; robert_tanner@epw.senate.gov <robert_tanner@epw.senate.gov>; bryan_zumwaldt@epw.senate.gov
bryan_zumwaldt@epw.senate.gov>; Couri, Jerry; Cohen, Jacqueline; McCarthy, David; Brown, Maryam

Subject: EPA Region IX Press Release: EPA Details Results of \$100M Federal Effort to Cleanup Navajo Uranium Contamination

Dear Colleagues:

The following press release is being issued today by the EPA Region IX press office. If you have questions or need any additional information, please give me a call at 415.947.4256 or you may contact by EPA HQ Congressional colleague, Raquel Snyder, at 202.564.9586.

Regards,

Brent Maier Congressional Liaison Telephone: 415.947.4256



For Immediate Release: January 24, 2013

Media Contact: Rusty Harris-Bishop, 415-972-3140, harris-bishop.rusty@epa.gov

EPA Details Results of \$100M Federal Effort to Cleanup Navajo Uranium Contamination

SAN FRANCISCO: The U.S. Environmental Protection Agency announced progress on a coordinated five-year federal investment of more than \$100 million to address health risks posed by pervasive uranium contamination on the Navajo Nation. EPA joined five other federal agencies in releasing a report today outlining the results of their Five-Year Plan. Since 2008, EPA has spent more than \$50 million to clean up mines, provide safe drinking water, and demolish and replace contaminated homes. In addition to federal funds, EPA has used the Superfund law to compel responsible parties to perform an additional \$17 million in mine investigations and cleanups.

Over the past five years, EPA reduced the most urgent risks to Navajo residents by remediating 34 contaminated homes, providing safe drinking water to 1825 families, and performing stabilization or cleanup work at 9 abandoned mines. The Agency also conducted field assessments of 240 water supplies and 520 mines to gain a more complete understanding of the widespread scope of potential exposures to uranium contamination on the Navajo Nation. EPA also collaborated with the Navajo Nation EPA, which performed field assessments of nearly 800 Navajo homes and other structures.

"This effort has been a great start to addressing the toxic legacy of uranium mining on Navajo lands,"

said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. "The work done to date would not have been possible without the partnership of the six federal agencies and the Navajo Nation's EPA and Department of Justice."

The Navajo Nation encompasses more than 27,000 square miles in the Four Corners area of Arizona, Colorado and New Mexico. The unique geology of the region makes the Navajo Nation rich in uranium, a radioactive ore in high demand after the development of atomic power and weapons at the close of World War II. Approximately four million tons of uranium ore were extracted during mining operations within the Navajo Nation from 1944 to 1986. Many Navajo people worked the mines, often raising their families in close proximity to the mines and mills.

Uranium mining activities no longer occur within the Navajo Nation, but the hazards of uranium contamination remain. More than 500 abandoned uranium mine claims and thousands of mine features, such as pits, trenches and holes, with elevated levels of uranium, radium and other radionuclides still exist. Health effects from exposure to these contaminants can include lung cancer, bone cancer and impaired kidney function.

"On behalf of the Navajo people I appreciate the leadership of Rep. Henry Waxman and the members of Congress who requested a multi-agency response to the Navajo Nation's testimony presented at the October 2007 hearing," said Ben Shelly, President of the Navajo Nation. "While there have been accomplishments that improved some conditions, we still need strong support from the Congress and the federal agencies to fund the clean-up of contaminated lands and water, and to address basic public health concerns due to the legacy of uranium mining and milling."

In 2007, EPA, in cooperation with the Navajo Nation, together with the Bureau of Indian Affairs (BIA), the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), the Centers for Disease Control and Prevention (CDC), and the Indian Health Service (IHS) developed a Five-Year Plan to address uranium contamination. All six federal agencies are committed to continue working with the Navajo Nation to further reduce risks and find long term solutions to the remaining uranium issues on Navajo lands.

The current report can be found at:

http://www.epa.gov/region9/superfund/navajo-nation/pdf/NavajoUraniumReport2013.pdf

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Brent Maier Congressional Liaison U.S. Environmental Protection Agency - Region IX 75 Hawthorne St. (OPA-3) San Francisco, CA 94105

Telephone: 415.947.4256

Fax: 415.947.3519

E-mail: maier.brent@epa.gov



Nov. 28 Notice of Suspension
Carolyn Levine to: Avenel.Joseph, Ion, Cristian, Gray, Morgan

11/29/2012 04:53 PM

hi all,

As promised on today's call, please let me know if I can be of further assistance.

PDF

[Untitled].pdf

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460

NOV 28 2012

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

BP PLC
ATTN: Robert Dudley, Group Chief Executive
1 St. James Square
London
SW1Y4PD
United Kingdom

Re: Notice of Suspensions of:

STATE STATE

BP PLC (DUNS 21-004-2669), EPA Case No. 12-0295-00

BP AMERICA, INC. (DUNS 03-959-6507), EPA Case No. 12-0295-02

BP CORPORATION NORTH AMERICA, INC. (DUNS 00-134-4258), EPA Case No. 12-0295-03

BP AMERICA PRODUCTION COMPANY (DUNS 00-896-6889), EPA Case No. 12-0295-04

BP EXPLORATION AND PRODUCTION COMPANY (DUNS 96-973-2010), EPA Case No. 12-0295-05

BP PRODUCTS NORTH AMERICA, INC. (DUNS 00-514-4332), EPA Case No. 12-0295-06

BP OIL INTERNATIONAL, LTD. (DUNS 22-709-5270), EPA Case No. 12-0295-07

AIR BP LTD. (DUNS 29-384-2951), EPA Case No. 12-0295-08

BP MARINE LTD (DUNS 29-388-9622), EPA Case No. 12-0295-09

BP WEST COAST PRODUCTS LLC (DUNS 09-720-041), EPA Case No. 12-0295-10

BP SINGAPORE (DUNS 59-511-5759), EPA Case No. 12-0295-11

BP AUSTRALIA PTY LTD. (DUNS 75-316-6339), EPA Case No. 12-0295-12

BP MARINE GLOBAL INVESTMENTS SALALAH COMPANY LLC (DUNS 53-529-9275), EPA Case No. 12-0295-14

BP ENERGY CO. (DUNS 62-527-5755), EPA Case No. 12-0295-15

ATLANTIC RICHFIELD COMPANY (DUNS 04-542-6723), EPA Case No. 12-0295-16

BP AMOCO CHEMICAL COMPANY (DUNS 00512-3195), EPA Case No. 12-0295-17

BP COMPANY NORTH AMERICA (DUNS 61-079-3622), EPA Case No. 12-0295-18

BP EXPLORATION (ALASKA), INC. (DUNS 00-790-1317), EPA Case No. 12-0295-19

STANDARD OIL (DUNS 00-132-5604), EPA Case No. 12-0295-20 BP INTERNATIONAL LTD (DUNS 21-001-8636), EPA Case No. 12-0295-21 BP MARINE AMERICAS, EPA Case No. 12-0295-22 IGI RESOURCES, INC. (DUNS 19-429-0953), EPA Case No. 12-0295-23

Dear Mr. Dudley:

Enclosed with this Notice of Suspensions (Notice), please find a copy of a Revised Action Referral Memorandum and its attachments, dated November 23, 2012 (collectively, the ARM), submitted to me by M. Carson Hodges, one of the Environmental Protection Agency (EPA) Suspension and Debarment Division (SDD) attorneys assigned to this matter. The SDD has requested that I immediately suspend BP PLC (DUNS 21-004-2669) (BP PLC) and its subsidiaries and affiliates identified below from participation in federal contracts and other covered transactions.

Authority for Action

By this Notice, effective immediately, I have suspended BP PLC and its subsidiaries and affiliates identified below from participating in federal contracts and other covered transactions. I am taking this action based upon information in the attached ARM, which is incorporated herein by reference.

At all times relevant hereto:

- 1. BP PLC is a multinational energy corporation based in London, U.K. and is the ultimate parent company for the BP Group, which consists of the entities identified below. BP PLC and the BP Group are collectively referred to hereinafter as "BP" or "the Companies."
- a. BP America, Inc. (BPA) is a Delaware corporation and wholly owned subsidiary of BP PLC, with executive offices in Houston, TX.
- b. BP Corporation North America, Inc. (BPCNA) is an Indiana corporation and wholly owned subsidiary of BP PLC, with a principal operating office in Warrenville, IL.
- c. BP North America Production Company (BPAPC) is a Delaware corporation and wholly owned subsidiary of BP PLC, principally operating from offices in Houston, TX.
- d. BP Exploration & Production, Inc. (BPXP) is a Delaware corporation and wholly owned subsidiary of BP PLC, headquartered in Houston, TX.
- e. BP Products North America, Inc. (BPPNA) is a Maryland corporation operating principally from Warrenville, IL and with operations in Houston, TX. BPPNA is a subsidiary of BP PLC, BPA and BPCNA.

- f. BP Oil International Ltd. (BPOI) is a London, UK based entity that is the parent BP PLC's international business arm and shares a business address with the parent company.
- g. Air BP Ltd. (Air BP), d/b/a BPCNA and/or BPPNA, conducts business operations from Linden, NJ and/or Naperville, IL and is a wholly owned subsidiary of BP PLC.
- h. BP Marine LTD (BP Marine) is a Middlesex, UK based entity and a subsidiary of BP PLC.
- i. BP West Coast Products LLC (BPWCP), d/b/a BPPNA, is a wholly owned subsidiary of BP PLC.
- j. BP Singapore PTE Ltd. (BP Singapore) is the Singapore based business arm of BP PLC.
- k. BP Australia PTY Ltd. (BP Australia) is the Australian based business arm of BP PLC.
- 1. BP Marine Global Investments Salalah Company LLC (BPMGISC) is the Oman based business arm of BP PLC.
- m. BP Energy Company (BPEC) is a Delaware corporation and wholly owned subsidiary of BPAPC principally operating from Houston, TX.
 - n. Atlantic Richfield Company (ARC) is a wholly owned subsidiary of BP PLC.
 - o. BP Amoco Chemical Company (Amoco) is a wholly owned subsidiary of BP PLC.
 - p. BP Company North America is a wholly owned subsidiary of BP PLC.
 - q. BP Exploration (Alaska) (BPXA) is a wholly owned subsidiary of BP PLC
 - r. Standard Oil Company (Standard Oil) is a wholly owned subsidiary of BP PLC.
 - s. BP International Ltd. (BP International) is a wholly owned subsidiary of BP PLC.
- t. BP Marine Americas (BPMA), based on information and belief, is a division of BP Marine, which is a wholly owned subsidiary of BP PLC.
 - u. IGI Resources, Inc. (IGI) is a subsidiary of BP PLC.

- 2. In May 2008, BPXP entered into a lease with the Minerals Management Service granting BP the rights to oil and natural gas reservoirs at a site identified as Mississippi Canyon #252. The Macondo well was located in that area.
- 3. Pursuant to its regulations, the Bureau of Ocean Energy Management, Regulation and Enforcement had designated BPXP as the operator of the Macondo well.
- 4. Transocean Ltd. (Transocean) was the owner of the drilling rig *Deepwater Horizon*. In accordance with its agreements with BPXP, Transocean leased the rig and provided the crew working the Macondo well.
- 5. David Rainey (Rainey) was the BP PLC Vice President of Exploration for the Gulf of Mexico during the Deepwater Horizon Blowout¹ and resulting events. He also served as the BP PLC Deputy Incident Commander at the Deepwater Horizon Unified Command (the Unified Command). ² Rainey was the second highest-ranking BP PLC representative on the Unified Command.
- 6. Robert Kaluza (Kaluza) and Donald Vidrine (Vidrine) were the BPXP Well Site Leaders stationed on the *Deepwater Horizon* drilling rig prior to and during the Deepwater Horizon Blowout.
- 7. Kaluza and Vidrine had the responsibility to maintain well control at all times. This included the duty to ensure that "negative testing" was conducted properly and safely.
- 8. Notwithstanding significant indications that the well was not secure during the negative testing, Kaluza and Vidrine failed to contact onshore engineers at that time to alert them to the problems. Rather, they accepted onsite explanations that the drill pipe pressure was due to the so called "bladder effect." This explanation was scientifically illogical and not recognized within the deepwater oil exploration industry.
- 9. On April 20, 2010, as a direct result of the failures of Kaluza and Vidrine in performing their duties on behalf of BP, the Deepwater Horizon Blowout occurred. This resulted in the

¹ The "Deepwater Horizon Blowout" herein refers to the events commencing on or about April 20, 2010, resulting in the explosion and fire that caused in the immediate death of eleven men, as well as the resulting oil leakage resulting in extensive environmental damage to the Gulf Coast, including the states of Louisiana, Mississippi, Alabama and Florida.

² The Unified Command consisted of BP PLC, Transocean and government representatives. Under the leadership of the US Coast Guard, the Unified Command was to coordinate the oil spill response following the Deepwater Horizon Blowout.

³ "Negative testing" is a critical part of temporary abandonment procedures conducted to ensure the segment has hardened between the well and the oil/gas reservoir. A more detailed explanation is in the ARM.

explosion and fire that caused the death of eleven rig crewmembers and extensive ecological damage throughout the Gulf Coast area.

- 10. From after April 20, 2010, through at least May 24, 2010, BP continued to announce that the rate of leakage from the Deepwater Horizon Blowout was approximately 5,000 barrels of oil per day (BOPD). BP PLC continued in this public misrepresentation notwithstanding internal engineering estimates ranging from 64,000 to 146,000 BOPD and external expert estimates of between 70,000 and 100,000 BOPD.
- 11. On May 4, 2010, Rainey misled a House subcommittee as to the BOPD rate of leakage. He also provided false information as to the method used to make the BP estimate of the BOPD leakage.
- 12. On or about May 24, 2010, Rainey caused a false and misleading memo to be submitted to the House subcommittee as the BP PLC response. By submitting the false and misleading memo and withholding information relevant to the House inquiry, Rainey impeded the congressional investigation.
- 13. On July 16, 2012, BP provided a present responsibility presentation to me attempting to address the statutory and discretionary debarment issues raised because of the Deepwater Horizon Blowout. BP supplemented that submission on October 24 and 31, 2012.
- 14. On or about November 14, 2012, a Grand Jury for the US District Court for the Eastern District of Louisiana (the Court) issued a Superseding Indictment against Kaluza and Vidrine charging each of them with eleven counts of Involuntary Manslaughter, eleven counts of Seaman's Manslaughter and one count of violating the Clean Water Act.
- 15. On or about November 14, 2012, a Grand Jury for the Court issued an Indictment against Rainey for one count of Obstruction of Congress and one count of making False Statements.
- 16. On November 15, 2012, the US Attorney for the Eastern District of Louisiana and the Assistant Attorney General for the Criminal Division of the Department of Justice filed an Information against BPXP. The Information charged BPXP with eleven counts of Misconduct or Neglect of Ship Officers (manslaughter), one count of Obstruction of Congress, and one count each of violating the Clean Water Act and the Migratory Birds Treaty Act.
- 17. On that same date, BPXP, through counsel, signed a plea agreement as to the counts in the Information. Exhibits to the plea agreement include a draft order as to potential remedial steps the Court may direct BPXP to take.
- 18. The Information filed against BPXP provides an independent basis to suspend that company pursuant to 2 C.F.R. § 180.700(a) and 2 C.F.R. §§180.800(a)(1), (3) and (4).

- 19. BPXP's seriously improper conduct provides an independent basis to suspend the company pursuant to 2 C.F.R. § 180.700(b) and 2 C.F.R. § 180.800(d).
- 20. BPXP's criminal and seriously improper conduct may be imputed to BP PLC pursuant to 2 C.F.R. § 180.630(c). BPXP's misconduct occurred in connection with its partnership, joint venture, joint application, association or similar arrangement with BP PLC, wherein BP PLC had the power to direct, manage, control or influence the activities of BPXP.
- 21. Pursuant to 2 C.F.R. § 180.630(a), the criminal and seriously improper conduct of Rainey, Kaluza and Vidrine, as set forth in the Indictment filed against Rainey and the Superseding Indictment filed against Kaluza and Vidrine, may be imputed to BP PLC and BPXP. As officers, employees or other individuals associated with BP PLC and BPXP, their misconduct occurred in connection with the performance of their duties for or on behalf of those companies, or with the knowledge, approval or acquiescence of BP PLC and BPXP.
- 22. BP PLC's seriously improper conduct provides the basis for its suspension pursuant to 2 C.F.R. § 180.700(b) and 2 C.F.R. § 180.800(d).
- 23. Pursuant to 2 C.F.R. § 180.625(a), BPA, BPCNA, BPAPC, BPXP, BPPNA, BPOI, BP Marine, BPWCP, BPEC, ARC, Amoco, BP Company North America, BPXA, Standard Oil, BP International, BPMA, IGI, are subsidiaries of BP PLC in that each entity is a wholly owned subsidiary and/or an organizational element of BP PLC.
- 24. Pursuant to 2 C.F.R. § 180.625(b), each entity within the BP Group is affiliated with BP PLC in that BP PLC controls, or has the power to control, each of those entities. The affiliation of BP PLC with the companies in the BP Group provides the basis for the suspensions of BPA, BPCNA, BPAPC, BPXP, BPPNA, BPOI, BP Marine, BPWCP, BPEC, ARC, Amoco, BP Company North America, BPXA, Standard Oil, BP International, BPMA, IGI, Air BP, BP Singapore, BP Australia, and BPMGISC.
- 25. Under 2 C.F.R. §§ 180.700(a), (b) and (c), I find that, to protect the public interest, there is adequate evidence and an immediate need to suspend BP PLC and the entities identified as the BP Group in paragraph 1, above.

Effect of Action

As a result of the suspension of BP, the names of BP PLC and the entities identified as the BP Group in paragraph 1 above have been individually published as "Ineligible" in the System for Award Management (SAM) website maintained by the General Services Administration. The Companies are ineligible to receive any federal contract or approved subcontract, or to act as an agent or representative on behalf of another in such transactions. BP PLC and the BP Group entities are also precluded from receiving certain federal assistance, loans and benefits (or

contracts thereunder), and other covered transactions, or from participating as a principal, agent or key employee in those transactions.

How to Contest this Action

If BP PLC and/or any member of the BP Group wishes to contest its suspension, its representatives must first send me a letter within 30 days of their receipt of this notice, stating in detail the reasons why they believe this action is not warranted. Failure to send me a contest letter will result in continuation of the suspension by default. My email address is pelletier.richard@epa.gov; my mailing and courier addresses appear at the end of this letter. I also may be contacted via phone at 202-564-5399. BP PLC and the BP Group entities should also send a copy of its submission to Stacey Dey Foy, Director, the Suspension and Debarment Division, at dey-foy.stacey@epa.gov, and to Frank Lane, the lead SDD counsel in this matter, at lane.frank@epa.gov.

If BP PLC or any member of the BP Group believes that any information contained in the ARM is incomplete or inaccurate in any material way, please provide the additional or correct information together with the supporting evidence. They should also include all mitigating factors BP PLC or any member of the BP Group wants me to consider.

In addition to their written submission, representatives of BP PLC and/or the BP Group may request to meet with me to make a presentation of matters in opposition (PMIO) to address further the information in the ARM. They each may also provide further information about their present responsibility to perform services under federal contracts, assistance programs, or other covered transactions. BP PLC or any member of the BP Group that wants a PMIO, must state this in its submission and my office will establish a case schedule. BP's representatives may contact me at (202) 564-5399, or via the email address provided above. However, please remember that even if BP PLC or any member of the BP Group desires a PMIO, it must first provide its written submission to me in response to this Notice within the 30-day reply period to avoid being in default and imposition of debarment without further proceedings.

For more information about how to contest this Notice, please see 2 C.F.R. Part 180 generally, and, in particular, §§ 180.700 – 180.760.

If BP's representatives have any questions concerning the ARM, or substantive matters relative to this case, they should contact Ms. Dey Foy or Mr. Lane by phone (202-564-5388 and 202-564-1537, respectively) or their email provided above. If they have any questions relative to any procedural issues, the Company's representatives should contact me via the phone number or email address provided herein.

It is important to note that suspension is not imposed for the purpose of punishment. It is a discretionary measure used to insure that the Government conducts public business with responsible persons. Accordingly, EPA will consider any information you wish to provide that

you believe will assist in making that evaluation. Please use whichever of the following addresses is applicable for any written submission to me, Ms. Dey Foy, and Mr. Lane:

Address for U.S. Postal Service

Richard A. Pelletier EPA Suspension and Debarment Official U.S. Environmental Protection Agency Office of Grants and Debarment, MC 3901R 1200 Pennsylvania Avenue, NW Washington, DC 20460

Stacey Dey Foy

Director, Suspension and Debarment Division U.S. Environmental Protection Agency Office of Grants and Debarment, MC 3902R 1200 Pennsylvania Avenue, NW Washington, DC 20460

Frank S. Lane

Suspension and Debarment Counsel
U.S. Environmental Protection Agency
Office of Grants and Debarment, MC 3902R
1200 Pennsylvania Ave NW
Washington, DC 20460

Address for Express Mail or Courier:

Richard A. Pelletier EPA Suspension and Debarment Official U.S. Environmental Protection Agency Office of Grants and Debarment, Room 51215 1300 Pennsylvania Avenue, NW Washington, DC 20004

Stacey Dey Foy

Director, Suspension and Debarment Division U.S. Environmental Protection Agency Office of Grants and Debarment, Room 51236 1300 Pennsylvania Avenue, NW Washington, DC 20004

Frank S. Lane

Suspension and Debarment Counsel
U.S. Environmental Protection Agency
Office of Grants and Debarment, Room 512103
1300 Pennsylvania Avenue, NW,
Washington, DC 20004

The regulations governing suspension and debarment actions initiated by the EPA may be viewed at http://www.epa.gov/ogd/sdd/info.htm by clicking on "2 C.F.R. Parts 180 and 1532" under the heading "Documents Related to Discretionary Suspension and Debarment." If you do not have internet access and would like to receive copies of the cited regulations, please contact me.

Sincerely,

lichard A. Pelletier

EPA Suspension and Debarment Official

Enclosures

cc: Fred Levy, Counsel for BP (via facsimile only)

Frank S. Lane, SDD Counsel

Official Case File



Re: FW: Woburn Superfund settlement Carolyn Levine to: Joseph, Avenel

05/10/2012 06:57 PM

Hi Avenel,

I wasn't able to reach anyone by phone, but I emailed a few folks and asked that they get back to you ASAP.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859

FAX: (202) 501-1550

----- "Joseph, Avenel" < Avenel. Joseph@mail.house.gov > wrote: -----

To: Carolyn Levine/DC/USEPA/US@EPA

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

Date: 05/10/2012 06:21PM

Subject: FW: Woburn Superfund settlement

Avenel Joseph, M.S., Ph.D. Office of Congressman Edward J. Markey 2108 Rayburn House Office Building 202-225-2836

E&E News: Companies to pay \$4.25M settlement over Mass. site

Lawrence Hurley, E&E reporter

A pair of companies will pay a total of \$4.25 million in natural resource damages over a long-contaminated industrial site in Massachusetts, the Justice Department announced today.

The Industri-plex site in Woburn, Mass., was in use from the 1850s until the 1960s. During that period, predecessor companies of Pharmacia Corp. and Bayer CropScience Inc. manufactured sulfuric acid, arsenic insecticides and other chemicals.

The companies had previously settled with the federal government over the \$25.7 million cleanup of the site. The natural resource damages are a separate component of the Comprehensive Environmental Response, Compensation and Liability Act, commonly known as the Superfund law.

The Justice Department said today that the money will be used primarily to fund restoration projects "to compensate for injury caused by the hazardous substances disposed of at the site." Projects could include wetland restoration. Of the total, \$437,000 will compensate state and federal agencies for expenses incurred during the damage assessment phase.

Wendi Weber, northeast regional director of the U.S. Fish and Wildlife Service, said the settlement will help restore the nearby Aberjona River.

"We look forward to working with local communities to select and implement

restoration projects that will be funded by the responsible parties without cost to the taxpayer," she added.



Cc: Raquel Snyder

08/01/2012 05:52 PM

no, I don't think we have estimated that.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel"

Thanks Carolyn, Do you know how many farms...

08/01/2012 05:48:22 PM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To: Cc: Carolyn Levine/DC/USEPA/US@EPA
Raquel Snyder/DC/USEPA/US@EPA

Date:

08/01/2012 05:48 PM

Subject:

RE: Contact on SPCC rule

Thanks Carolyn,

Do you know how many farms would be captured under this bill?

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building 202-225-2836

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, August 01, 2012 3:03 PM

To: Joseph, Avenel **Cc:** Raquel Snyder

Subject: RE: Contact on SPCC rule

We have been asked to review the bill, and we prepared a draft impact paper, which I am attaching. Take a look and let me know if you have further questions.

(See attached file: HR 3158 Draft Impact Paper.pdf)

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel" ---08/01/2012 02:57:09 PM---Thanks, I'm trying to get a sense of this bill that's up for a vote on the House floor. H.R. 3158 "

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA
Cc: Raquel Snyder/DC/USEPA/US@EPA

Date: 08/01/2012 02:57 PM Subject: RE: Contact on SPCC rule

Thanks,

I'm trying to get a sense of this bill that's up for a vote on the House floor. H.R. 3158 "the Farmers Undertake Environmental Land Stewardship (FUELS) Act" did EPA provide any testimony or opinion on this that you can share?

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, August 01, 2012 2:56 PM

To: Joseph, Avenel Cc: Raquel Snyder

Subject: Re: Contact on SPCC rule

hi Avenel,

Raquel Snyder is the poc, but she is out until Friday. I'm happy to help answer any questions in the meantime though, just let me know.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel" ---08/01/2012 02:50:35 PM---Hi Carolyn, Do you know who the right contact is on EPA's Oil Spill Prevention, Control and Counte

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 08/01/2012 02:50 PM Subject: Contact on SPCC rule Hi Carolyn,

Do you know who the right contact is on EPA's Oil Spill Prevention, Control and Countermeasure Rule is? Seems to fall under Emergency Management.

Thank you, Avenel

Avenel Joseph, M.S., Ph.D.

Office of Representative Edward J. Markey (MA-07) 2108 Rayburn House Office Building Washington, DC 20515

Follow Rep. Markey on <u>Facebook</u>, <u>YouTube</u>, and <u>Twitter</u>
Sign up for Rep. Markey's e-newletter at http://markey.house.gov/signup

EPA Draft Impact Paper HR 3158, the "Farmers Undertake Environmental Land Stewardship Act" (FUELS Act) August 2012

EPA Bill Summary:

H.R. 3158 would require the Environmental Protection Agency (EPA) to change the Spill Prevention, Control, and Countermeasure (SPCC) rule with respect to certain farms. Farmers are required to amend or prepare SPCC Plans by May 10, 2013 to comply with revisions to the SPCC rule that were promulgated in four separate regulatory actions since July 17, 2002. Farmers subject to the SPCC rule may need to make certain infrastructure changes and amend or develop SPCC Plans to reduce the possibility of oil spills. A farm is subject to the SPCC rule requirements if the farm has an aboveground oil storage capacity greater than 1,320 gallons or a completely buried storage capacity greater than 42,000 gallons and has a reasonable potential to discharge oil to navigable waters or adjoining shorelines.

Enacting this legislation would change the SPCC Plan certification tiers of the SPCC rule based on facility aboveground aggregate capacity, individual tank capacity or if a farm has previously experienced any spills. Specifically, SPCC Plan certification by a professional engineer for a farm would be required if the farm has an individual tank with a storage capacity greater than 10,000 gallons, has an aggregate storage capacity greater than or equal to 42,000 gallons or has previously experienced a spill. However, an owner or operator of a farm could self-certify the SPCC Plan if the farm has an aggregate storage capacity greater than 10,000 gallons but less than 42,000 gallons and has no history of spills. Farms with an aggregate capacity of less than or equal to 10,000 gallons and no history of a spill would be exempt from all requirements of the SPCC rule. Finally, the de minimus capacity of containers exempt from the SPCC rule would increase from 54 gallons to 1,320 gallons at farms.

• Status of SPCC Rule: The SPCC rule has been in effect since January 10, 1974 and requires all facilities, including farms, to develop and implement SPCC Plans. The rule was amended several times. The current date by which a farmer must amend his existing SPCC Plan to comply with recent amendments is May 10, 2013. This is also the date by which operators of farms that began operations after August 2002 must develop and implement new SPCC Plans. All other industrial sectors (e.g. oil production, refineries, bulk terminals, electrical utilities, and manufacturing facilities) must already be in compliance with the SPCC rule requirements.

¹ For more information on amendments to the SPCC rule see the following Federal Register notices: July 17, 2002 (67 FR 47042); December 26, 2006 (71 FR 77266); December 5, 2008 (73 FR 74236); November 13, 2009 (74 FR 58784); and April 18, 2011 (76 FR 21652).

• Workload Impacts: In order to amend the SPCC rule as described in HR 3158, EPA will need to allocate resources over at least a two year timeframe to develop proposed and final rules that amend the SPCC requirements for farms. Simultaneously, EPA would also need to develop proposed and final rules to extend the compliance date for farms until the regulatory revisions that incorporate the bill's provisions are complete.

EPA will also need to allocate and reprioritize resources to develop the regulatory supporting materials, such as the Regulatory Impact Analyses along with outreach materials and separate guidance specifically for farms that will be needed during the new extension period and then after completion of the action. This new regulatory effort will likely impact the resources (and the priorities for these resources) committed to other high priority actions such as regulatory revisions to Subpart J of the NCP and implementing the SPCC rule at non-farm locations which currently involves completion of revisions to guidance, compliance assistance, inspections, ensuring preparedness for major oil spills and bringing high-risk facilities into compliance.

1. Exemptions and requirements:

In addition to the capacity level trigger for different levels of certification, the bill would exempt all containers on separate parcels of a farm that have a capacity of less than 1,320 gallons. Smaller containers (e.g. 1,000 gallons) would not be counted toward a facility aggregate quantity, potentially exempting more facilities. The current SPCC rule excludes containers with a capacity of less than 55 gallons. Farms visited by EPA have containers at central fueling locations ranging from 55 to 1,100 gallons in addition to 5,000- and 8,000-gallon ones. The smaller containers would be excluded from the SPCC rule even though they may be co-located with larger ones.

- The bill appears to require PE certification if the farm has a spill history regardless of stored quantity. In addition, no spill quantities or spill timeframes are specified. The current SPCC rule specifies a 3 year spill history and either a 1,000 gallon discharge or more in one event or more than 42 gallons discharged in two events in a 12 month period. A greater number of farms may need to be PE certified if any spill occurs than what is currently required by the SPCC rule.
- The bill allows a farm that has more than 10,000 but less than 42,000 gallons of aggregate storage to self-certify. However, a facility that has one container larger than 10,000 gallons must get PE certification. There could be farms that fit both situations; which one applies?
- Finally, the bill calls for PE certification of "compliance with the rule." This is significantly different than the current SPCC rule which calls for PE certification of the SPCC Plan and the use of good engineering practices, not regulatory compliance.
- 2. Budget impacts: EPA would need additional resources, or to re-allocate and reprioritize existing resources, to develop the regulatory actions and supporting materials necessary to incorporate amendments to the SPCC rule and to develop guidance and outreach materials to educate affected stakeholders. EPA estimates that to carry out the elements of the bill will require at least 4 FTE for two years and \$2.2 million (salary and extramural).

• Enactment of HR 3158 would result in fewer farmers subject to the SPCC program by exempting the present self-certifying farmers from the regulations. Exempting owners and operators of oil storage tanks from the SPCC program will predictably result in a higher rate of oil spills on farms. Professional Engineers (PEs) are, in general, more qualified to design effective spill prevention plans and under this legislation fewer tanks would have PE-approved spill prevention plans. Enactment of the proposed legislation would likely result in having to transfer EPA's enforcement resources from violations of the spill prevention program to violations of the spill prohibition and response programs. Providing a self-certification option to farmers with greater than 10,000 gallons aggregate storage is also likely to contribute to a greater rate of oil spills and additional expenditures of Agency enforcement resources under the spill prohibition and response programs.

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/26/2012 05:01 PM Subject: RE: EPA response letters

Carolyn,

On another issue, I just got wind of this article (see link below) dealing with Radiation Protection Action Guides. Are you the right contact on this issue? If not, could you point me in the right direction?

Thanks,

http://www.nti.org/gsn/article/federal-panel-dirty-bomb-cleanup-need-not-follow-us-cancer-rules/

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, November 26, 2012 4:52 PM

To: Joseph, Avenel

Subject: RE: EPA response letters

ok, great!

We can use my call-in code:

code=

Carolyn Levine
U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel" ---11/26/2012 04:32:50 PM---Carolyn, 2pm works fine. I'll forward on the call in information to others on staff once you send it

From: "Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/26/2012 04:32 PM Subject: RE: EPA response letters

Carolyn,

2pm works fine. I'll forward on the call in information to others on staff once you send it.

Thanks,



RE: EPA response letters Carolyn Levine to: Joseph, Avenel

11/26/2012 05:22 PM

ok, I will check into it.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel"

We have some history on the PAG's and have h...

11/26/2012 05:15:49 PM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

11/26/2012 05:15 PM

Subject:

RE: EPA response letters

We have some history on the PAG's and have had meetings with OAR on status of these guides over the past few years. Interested generally on where things are going and the validity of this article's claims.

thanks,

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, November 26, 2012 5:10 PM

To: Joseph, Avenel

Subject: RE: EPA response letters

It is me. I'm not familiar with the article, but I've worked on the issue before, so I can look into seeing if folks have seen the article. Any particular qs?

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avene!" ---11/26/2012 05:01:04 PM---Carolyn, On another issue, I just got wind of this article (see link below) dealing with Radiation

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>



RE: EPA response letters 🖺 Carolyn Levine to: Joseph, Avenel

11/26/2012 04:51 PM

ok, great! We can use my call-in code: 1-866-299-3188 code= 202-564-1859

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel"

Carolyn, 2pm works fine. I'll forward on the call i...

11/26/2012 04:32:50 PM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date: Subject: 11/26/2012 04:32 PM RE: EPA response letters

Carolyn,

2pm works fine. I'll forward on the call in information to others on staff once you send it.

Thanks,

Avenel

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, November 26, 2012 4:26 PM

To: Joseph, Avenel

Subject: RE: EPA response letters

hi Avenel,

We can only do the Wednesday times, so how does 2pm on Wednesday sound? Can we do this via conference call? Is anyone else joining you?

Also, we were planning to address the status of the rule/issues in our letter, so please let me know any specific items that you wish to discuss. thanks!

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, November 26, 2012 4:26 PM

To: Joseph, Avenel

Subject: RE: EPA response letters

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Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel" ---11/26/2012 10:25:35 AM---Thanks Carolyn, Wednesday between 11 and 1pm and 2-3:30pm look decent. Thursday looks even better be

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA Date: 11/26/2012 10:25 AM

Subject: RE: EPA response letters

Thanks Carolyn,

Wednesday between 11 and 1pm and 2-3:30pm look decent. Thursday looks even better between 10:30am and 4pm.

Hope you enjoyed the holiday.

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, November 26, 2012 10:22 AM

To: Joseph, Avenel

Subject: RE: EPA response letters

Hi Avenel,

I hope you had a nice Thanksgiving.

Does this Wednesday work for you for a briefing on the NCP Subpart J issue? If so, let me know what times work best. Otherwise, we can try to find some times on Tuesday or Thursday, we just have more time limitations those days.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel" ---11/07/2012 12:23:16 PM---Hi Carolyn, Regarding the NCP Subpart J letter, I believe this is in response to a letter we issued

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/07/2012 12:23 PM Subject: RE: EPA response letters

Hi Carolyn,

Regarding the NCP Subpart J letter, I believe this is in response to a letter we issued on September 21, 2011. I don't have a letter from June 29, 2012. Could you please confirm?

Also, I think we would like to set up an in person briefing to discuss the NCP response, please provide some potential times in the next couple weeks that would work on your end.

Thank you, Avenel

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, November 07, 2012 11:42 AM

To: Joseph, Avenel

Subject: EPA response letters

Hi Avenel,

FYI, here are electronic copies of EPA's responses to Congressman Markey's August 31 (re: DWH oil) and June 29 (NCP Subpart J) letters. Please let me know if you have any followup questions.

(See attached file: Markey-AL-12-001-5020-response.pdf)(See attached file: Markey-AL-12-001-1454-response.pdf)

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MOV - 7 2012

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Edward J. Markey Ranking Member Committee on Natural Resources U.S. House of Representatives Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of August 31, 2012, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, regarding the plans the EPA has to deal with the impacts that oil from the Deepwater Horizon spill will have on the beaches and marshlands of the Gulf of Mexico. I share your concerns about the impacts of oil in the Gulf.

Enclosed, please find responses to your questions. If you have further questions, please contact me or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1859.

Sincerely,

Mathy Stanislaus Assistant Administrator

Enclosure

Enclosure

1. What is EPA's experience dealing with past storm activity in the Gulf of Mexico? Have past smaller storms caused oil to resurface? If so, can you please describe any environmental impacts it may have had, and how EPA responded and/or remediated any such damages?

In the past, storm activity in the Gulf of Mexico may have resulted in tar balls washing ashore; however, following Hurricane Isaac, the National Response Center (NRC) received a number of reports of tar balls on Gulf Coast beaches. Since this occurred in the coastal zone, the response was led by the U.S. Coast Guard (USCG) in their role of overseeing BPs shoreline assessment and continued cleanup.

2. What interaction does the EPA have with other federal agencies in addressing the potential environmental risk from oil that may be churned up during a strong storm?

The EPA and the U.S. Coast Guard (USCG) share responsibility for responding to and addressing the potential environmental risk from oil and hazardous substance incidents. The EPA has the jurisdictional lead for oil and hazardous substance incidents occurring in the inland zone, while the USCG has jurisdiction over the coastal zone. If after a strong storm, an oil spill or resurfacing of oil occurs within the coastal zone, the USCG would have the lead in the response. In such a case, the EPA has a supporting role and may provide technical and/or response expertise and resources for addressing the potential environmental risk at the request of the USCG. The Federal On-Scene Coordinator (FOSC) is the federal official predesignated by EPA or the USCG to coordinate and direct response efforts under the National Oil and Hazardous Substance Pollution Contingency Plan (NCP).

As mandated under Executive Order 12777 (EO 12777), the primary bodies through which federal agencies coordinate planning and preparedness activities are the National Response Team (NRT) and the 13 Regional Response Teams (RRTs). The chair and vice chair of the NRT are the EPA and the USCG, respectively. The EPA and USCG serve as co-chairs on each of the RRTs. The RRTs are the body responsible for regional planning and preparedness activities and for providing advice and support to FOSCs during a response. Federal membership on the NRT and RRTs consists of the agencies specified in EO 12777. The states and recognized tribes are also represented on the RRTs.

The Federal Emergency Management Agency (FEMA) is the lead federal coordinating agency for presidential declared natural disasters, and under the National Response Framework (NRF), the EPA is the lead agency under Emergency Support Function #10 (oil and hazardous substances). At this time, neither the EPA nor USCG has been tasked by FEMA under ESF-10 to respond to oil nor hazardous substance spills in the Hurricane Isaac disaster declared portions of the Gulf coast.

3. What tools does EPA employ in dealing with weathered oil that resurfaces during a storm? Does the EPA view this as another opportunity to remove and remediate oil that would otherwise be inaccessible in the sediment?

In the event that the USCG requests the EPA assistance for dealing with weathered oil that resurfaces during a storm, the EPA has access to technical and cleanup support through the EPA Special Team personnel and can activate additional support through contract services.

Because the USCG led the Deepwater Horizon response, the EPA does not direct the removal or remediation of oil that washes ashore from submerged sediment. In addition, as discussed above, the EPA does not oversee continuing BP shoreline assessment and tar ball collection activities on the Gulf Coast, some of which may be attributable to the Deepwater Horizon disaster.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 1 9 2012

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Edward J. Markey U.S. House of Representatives Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter of June 29, 2012, to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson requesting information on our regulatory efforts under Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) governing the use of dispersants to mitigate oil spills. I appreciate the opportunity to address the concerns outlined in your letter.

Over the past several years, the EPA has conducted research on improved laboratory protocols for dispersant and bioremediation agent efficacy, and revisions to the Subpart J requirements to address these new protocols were under consideration prior to the Deepwater Horizon oil spill. Lessons learned during this event provided a basis for additional revisions.

Please be assured that we are working expeditiously to develop revisions needed to Subpart J. The proposed revisions are intended to increase the overall scientific soundness of the data and information on chemical agents used for oil spills including the efficacy, toxicity, long-term environmental impacts and other concerns raised during the Deepwater Horizon spill as a result of recent research.

Enclosed are the responses to the questions in your letter. If you have further questions, please contact me or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1859.

Sincerely,

Mathy Stanislaus
Assistant Administrator

Enclosure

Responses to Questions in June 29, 2012 letter

Question 1. What types of revisions does EPA plan on making to the way in which dispersants are evaluated for addition to the National Contingency Plan (NCP) Product Schedule? Do these plans take into account long-term non-fatal impacts on marine life? Human exposure? Subsurface use at low temperatures and high pressure? Use in Arctic environments where cold temperatures and ice are prominent? Testing on crude oil? Any other lessons learned from the BP Deepwater Horizon oil spill response? Please provide a detailed timeline describing EPA's plan for collecting such information and making all such revisions.

Response: Based on lessons learned from the Deepwater Horizon oil spill, the EPA is considering several modifications to the way in which dispersants are tested and evaluated for addition to the NCP Product Schedule (Schedule) including testing dispersant efficacy with a range of crude oils at a range of temperatures. In addition, the EPA is considering a range of tests for acute, developmental, and subchronic toxicity of the dispersant and the dispersant mixed with oils. The EPA is considering requiring product manufacturers provide information, such as a Material Safety Data Sheet (MSDS) to ensure that response personnel applying chemical and biological agents to oil spills are taking the proper precautions to prevent exposure to any harmful components.

After the rule is proposed and comments are received from the public, the EPA expects to review, analyze, and if necessary revise the proposed rule and prepare a final rule for agency and interagency review. Depending on the degree of technical issues raised, the agency will work toward a final rule in the late 2013 early 2014 timeframe.

Question 2. How will the information and lessons gained from the BP Deepwater Horizon oil spill response be used to review and update area and regional contingency plans? Does EPA plan on developing a policy that would require for periodic reviews and updates to contingency plans? If so, what is the timeframe contemplated for the completion and implementation of such a policy? If not, why not?

Response: Information and lessons learned from the BP Deepwater Horizon oil spill have already been reflected in a memorandum dated November 2, 2010, from me to the EPA Regional Administrators on "Revisions of Area Contingency Plans/Regional Contingency Plans Regarding Use of Dispersants on Oil Spills – Interim Actions" and a memorandum dated December 16, 2010, issued by the National Response Team (NRT) Chair Dana S. Tulis of the EPA and Vice-Chair Captain John Caplis of the U.S. Coast Guard regarding "Use of Dispersants on Oil Spills – Interim Actions." These memoranda map out a number of revisions to be addressed in Area Contingency Plans (ACP) and Regional Contingency Plans (RCP) until the Subpart J regulations are revised such as:

- Consider utilization of a hierarchy of preferred oil spill response measures like those used during DWH (mechanical recovery, *in-situ* burning, subsea dispersant, surface dispersant);
- Pre-authorization plans should have well documented site-specific and oil-specific rationale for, and conditions/limitations to, the use of dispersants and other chemical countermeasures such as identification of environmental tradeoffs, net environmental benefits and factors such as

water depth, distance from shorelines, quantity limits, monitoring and data collection and regular re-evaluation of the criteria and operational conditions for dispersant use;

- Make data and decisions publicly transparent, involve appropriate stakeholders, clearly identify roles and responsibilities for dispersant and chemical agent use; and
- Review and reinitiate Endangered Species Act (ESA) emergency consultation protocols.

The NRT is also developing guidance for Area Committees (AC) and Regional Response Teams (RRT) on dispersant use and monitoring. In addition, the EPA is considering a recommendation in guidance or, alternatively, a requirement for periodic reviews and updates of contingency plans in the proposed revisions to Subpart J.

Question 3. In the plans to revise the NCP, does EPA intend to request and maintain information from the dispersant manufacturer in terms of specific chemical ingredient listings and production capacities and other information that would help the response community better prepare for future oil spills? If not, why not?

Response: We are considering requirements in the proposed rule to address production capacities, product availability and other data to provide planners and responders the best information available for selecting agents to be used on an oil discharge.

Question 4. Does EPA plan on modifying policies and procedures for the duration and volume of dispersant used when applied on the surface of an oil spill? How will these plans take into account lessons learned from Deepwater Horizon and other major national and international oil spills? Please fully describe all such modifications.

Response: See combined response to #4 and #5 below.

Question 5. Does EPA plan on developing policies and procedures for the duration and volume of dispersant used when applied subsurface? How will these plans take into account lessons learned from Deepwater Horizon and other major national and international oil spills? Please fully describe all such policies and procedures.

Response: Considerations for the duration and volume of dispersant use, either on the surface or subsea, are addressed by ACs and RRTs during the development of pre-authorization plans or during evaluations of oil spill response actions and authorization for the use of dispersants at the time of a spill. As noted above, the memoranda issued in 2010 call for actions by ACs and RRTs to address dispersant use. In addition, the NRT is developing guidance for RRTs and responders on surface and subsurface dispersant use, effectiveness and monitoring. Finally, the EPA is considering several revisions to the Subpart J requirements to address dispersant use including elements to be addressed during preauthorization planning or authorization at the time of a spill and monitoring the use of dispersants during certain oil spills to address concerns associated with the duration and volume of dispersant use.



Re: Advance News Release: BP Temporarily Suspended from New

Contracts with the Federal Government

Carolyn Levine to: Joseph, Avenel

11/28/2012 09:59 AM

Hi Avenel,

I do not think it applies to leases, but I am still waiting to confirm.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel"

Carolyn, Does this extend to leases? For examp...

11/28/2012 08:49:29 AM

From:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

11/28/2012 08:49 AM

Subject:

Re: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal

Government

Carolyn,

Does this extend to leases? For example will BP be able to participate in the lease auction happening today?

Thanks,

Avenel Joseph, M.S., Ph.D.

Office of Rep. Edward J. Markey

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, November 28, 2012 08:30 AM

Subject: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal

Government

FYI, EPA will be issuing this press release this morning. Please let me know if you have any

questions.

BP Temporarily Suspended from New Contracts with the Federal Government

To view online: https://www.politicopro.com/go/?id=16460

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel" ---11/28/2012 08:49:29 AM---Carolyn, Does this extend to leases? For example will BP be able to participate in the lease auction

From: "Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/28/2012 08:49 AM

Subject: Re: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal Government

Carolvn.

Does this extend to leases? For example will BP be able to participate in the lease auction happening today? Thanks,

Avenel Joseph, M.S., Ph.D.
Office of Rep. Edward J. Markey

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, November 28, 2012 08:30 AM

Subject: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal

Government

FYI, EPA will be issuing this press release this morning. Please let me know if you have any questions.

BP Temporarily Suspended from New Contracts with the Federal Government

WASHINGTON - The U.S. Environmental Protection Agency (EPA) today announced that it has temporarily suspended BP Exploration and Production, Inc., BP PLC and named affiliated companies (BP)

from new contracts with the federal government. EPA is taking this action due to BP's lack of business integrity as demonstrated by the company's conduct with regard to the Deepwater Horizon blowout, explosion, oil spill, and response, as reflected by the filing of a criminal information. On November 15, 2012, BP agreed to plead guilty to eleven counts of Misconduct or Neglect of Ship Officers, one count of Obstruction of Congress, one misdemeanor count of a violation of the Clean Water Act, and one misdemeanor count of a violation of the Migratory Bird Treaty Act, all arising from its conduct leading to the 2010 Deepwater Horizon disaster that killed 11 people and caused the largest environmental disaster in U.S. history.

For the Deepwater Horizon investigation, EPA was designated as the lead agency for suspension and debarment actions. Federal executive branch agencies take these actions to ensure the integrity of Federal programs by conducting business only with responsible individuals or companies. Suspensions are a standard practice when a responsibility question is raised by action in a criminal case.

The BP suspension will temporarily prevent the company and the named affiliates from getting new federal government contracts, grants or other covered transactions until the company can provide sufficient evidence to EPA demonstrating that it meets Federal business standards. The suspension does not affect existing agreements BP may have with the government.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550



Re: Advance News Release: BP Temporarily Suspended from New

Contracts with the Federal Government

Carolyn Levine to: Joseph, Avene!

11/28/2012 12:57 PM

great!

Do you have a BLM poc by chance-we are receiving other inquiries on this.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel"

Thanks Caroline, we have heard from BLM that...

11/28/2012 12:54:05 PM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

11/28/2012 12:54 PM

Subject:

Re: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal

Government

Thanks Caroline, we have heard from BLM that BP can participate in lease sales, but can't be awarded any.

Avenel Joseph, M.S., Ph.D. Office of Rep. Edward J. **Markey**

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, November 28, 2012 12:09 PM

To: Joseph, Avenel

Subject: Re: Advance News Release: BP Temporarily Suspended from New Contracts with the Federal

Government

hi Avenel,

I have not heard back form my DOI poc about the BP leases- maybe you have? If you haven't seen this article, fyi:

BP suspension won't affect drilling permits

By Darren Goode

11/28/12 12:00 PM EST

BP's suspension from receiving federal contracts will prevent the company from winning new offshore drilling leases but won't affect its ability to obtain permits for leases the company already owns, federal officials said on Wednesday.

EPA's announcement Wednesday that the British oil company would be temporarily suspended from receiving federal contracts means BOEM "will not award any lease to BP for which it is the high bidder unless and until the suspension is resolved and the bid otherwise satisfies BOEM's bid evaluation requirements," an Interior official said in an email.

BP did not participate in Wednesday morning's Western Gulf of Mexico lease sale, which encompasses more than 20 million acres and is the first auction under the Obama administration's new five-year deepwater oil and gas lease plan.

But the company could continue to be issued permits for leases the company already owns, a BOEM spokeswoman said.

BP is the largest leaseholder in the deepwater Gulf of Mexico with more than 650 lease blocks in waters greater than 1,250 feet, according to its website. It currently operates eight deepwater projects in the Gulf.

EPA on Wednesday announced it is suspending BP "due to BP's lack of business integrity as demonstrated by the company's conduct" regarding the 2010 Deepwater Horizon accident that killed 11 workers and spilled nearly 5 million barrels of oil into the Gulf of Mexico. The suspension will stand "until the company can provide sufficient evidence to EPA demonstrating that it meets federal business standards," the agency said.

The suspension came after BP agreed earlier this month to pay a record \$4.5 billion in fines and plead guilty to a dozen felony counts in a deal with the U.S. government to settle criminal charges stemming from Deepwater Horizon accident.

The settlement would resolve the British oil company's criminal liability over the disaster, the worst oil spill in U.S. waters, but still leaves it to face civil charges in a trial that is set to begin early next year.

One environmental group welcomed the BP contract suspension, but said the move did not address its worries about offshore drilling.

"It is of little solace since it comes on the same day that the Obama administration doles out 20 million acres of the Gulf to new offshore drilling," Matt Dundas, acting campaign director at Oceana, said in a statement. "Overall, President Obama is missing the lesson of the Deepwater Horizon disaster, which is that offshore drilling is inherently dirty and dangerous and needs to be phased out."



Re: Follow up on BP suspension Joseph, Avenel

to:

Carolyn Levine 11/29/2012 01:17 PM Hide Details

From: "Joseph, Avenel." <Avenel.Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

1 Attachment



graycol.gif

I'm on.

Avenel Joseph, M.S., Ph.D. Office of Rep. Edward J. Markey

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Thursday, November 29, 2012 12:59 PM

To: Joseph, Avenel

Subject: RE: Follow up on BP suspension

1:15 ok?

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550 "Joseph, Avenel" ---11/29/2012 12:57:30 PM---I'll send people the call in number, because I'll likely have to dial in while walking to another me

From: "Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/29/2012 12:57 PM

Subject: RE: Follow up on BP suspension

I'll send people the call in number, because I'll likely have to dial in while walking to another meeting.

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Thursday, November 29, 2012 12:57 PM

To: Joseph, Avenel

Subject: RE: Follow up on BP suspension

I have 1 person, waiting on the other. Should be any minute, I will call you, if you want to notify others. We can use my call-in # if it's too many for you to conference from your phone:

Mag

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550

"Joseph, Avenel" ---11/29/2012 12:37:34 PM---thanks. I got your message too, could you let me know a good time to call you back? Thanks,

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Carolyn Levine/DC/USEPA/US@EPA

Date: 11/29/2012 12:37 PM

Subject: RE: Follow up on BP suspension

thanks. I got your message too, could you let me know a good time to call you back?

Thanks,

Avenel

Avenel Joseph, M.S., Ph.D.

Office of Congressman Edward J. Markey 2108 Rayburn House Office Building

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Thursday, November 29, 2012 11:23 AM

To: Joseph, Avenel

Subject: Re: Follow up on BP suspension

Hi Avenel,

EPA and BP will begin meeting today to address lifting the temporary suspension.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Joseph, Avenel" ---11/29/2012 10:05:08 AM---Hi Carolyn, I'm following up to see if you got an answer on the validity of this politico report t

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Carolyn Levine/DC/USEPA/US@EPA
Date: 11/29/2012 10:05 AM
Subject: Follow up on BP suspension

Hi Carolyn,

I'm following up to see if you got an answer on the validity of this politico report that EPA is working on an agreement to lift the suspension?

Thanks

11/28/12 12:47 PM EST

EPA might soon offer BP a draft agreement that could lead to a lifting of today's announced temporary suspension of the company's ability to receive federal contracts, the company says. "The EPA has informed BP that it is preparing a proposed administrative agreement that, if agreed upon, would effectively resolve and lift this temporary suspension," according to a statement. "The EPA notified BP that such a draft agreement would be available soon," BP says, adding that it "has been in regular dialogue" with EPA.

Avenel Joseph, M.S., Ph.D.
Office of Representative Edward J. Markey (MA-07)
2108 Rayburn House Office Building
Washington, DC 20515

Follow Rep. Markey on <u>Facebook</u>, <u>YouTube</u>, and <u>Twitter</u>
Sign up for Rep. Markey's e-newletter at <u>http://markey.house.gov/signup</u>



{In Archive} Re: RFS rulemaking 🖰 Josh Lewis to: Unruh-Cohen, Ana

Cc: Cheryl Mackay

From:

Josh Lewis/DC/USEPA/US

To:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

Cc:

Cheryl Mackay/DC/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Ana,

Welcome back! Am cc'ing Cheryl Mackay and will ask her to work w/ our program folks to set up a briefing. In the meantime, if you don't have the link to the proposed rule and the fact sheets associated with it, here it is: http://www.epa.gov/otag/renewablefuels/index.htm#regulations

Am also attaching the slides we used on the Hill when we did briefings earlier this month.



RFS Hill briefing.pdf

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

"Unruh-Cohen, Ana"

Josh - I'm back from maternity leave and need...

05/21/2009 11:17:46 AM

From:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

To:

Josh Lewis/DC/USEPA/US@EPA

Date:

05/21/2009 11:17 AM

Subject:

RFS rulemaking

Josh - I'm back from maternity leave and need to get up to speed on the RFS rulemaking. Can I set up a briefing for next week? If this request should go to somebody else in the office can you pass it on?

Thanks, Ana

Ana Unruh Cohen, Ph.D.
Deputy Staff Director
Select Committee on Energy Independence
& Global Warming
B243 Longworth House Office Building
Washington. DC 20515

www.globalwarming.house.gov

----Original Message----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Thursday, May 21, 2009 11:08 AM

To: undisclosed-recipients

/

05/21/2009 11:27 AM

Subject: EPA press release going at noon today: EPA: Administrator Brings Science, Transparency Back to EPA's Air Quality Standards Decisions

EPA: Administrator Lisa P. Jackson Brings Science, Transparency Back to EPA's Air Quality Standards Decisions

(Washington, D.C. - May 21, 2009) Stressing the importance of scientific integrity and transparency, EPA Administrator Lisa P. Jackson today called for key changes to the process for reviewing National Ambient Air Quality Standards (NAAQS) to protect human health and the environment.

"It's essential that the best science and the greatest transparency inform air quality standards that prevent illness and save lives," said EPA Administrator Lisa P. Jackson. "These changes will help us bring a greater rigor and openness to our standard-setting process and improve the scientific basis for our standards."

EFA sets NAAQS for six key pollutants known as "criteria pollutants" that are commonly found across the United States. They are ozone, particle pollution (particulate matter), lead, carbon monoxide, nitrogen dioxide and sulfur dioxide.

EPA is reinstating the role of a key policy document created by agency scientists that contains staff analyses of options for the administrator to consider when setting air quality standards. This document, known as a "staff paper," will be made available to the agency's science advisors and the public prior to the initiation of formal rulemaking.

The previous administration replaced the so-called staff paper with an Advance Notice of Proposed Rulemaking outlining potential options for air quality standards in the Federal Register.

In a separate letter to the Clean Air Scientific Advisory Committee (CASAC), Administrator Jackson reaffirmed the committee's role in guiding the agency to make scientifically sound decisions. The CASAC was established by the Clean Air Act to provide the administrator with independent technical advice on national air quality standards.

In addition to restoring the policy document, Administrator Jackson is retaining previous changes that improved the review process. Those include a public workshop early in the NAAQS review, and the restructuring of key science and risks documents so they are more concise and focused on key scientific and policy issues. Jackson also asked staff to consult with scientific experts in other federal agencies that have responsibility for public health and environmental protection early in the review of each air quality standard.

More information: http://www.epa.gov/ttn/naaqs/review.html

Josh Lewis

 ${\tt USEPA/Office\ of\ Congressional\ and\ Intergovernmental\ Relations}$

phone: 202-564-2095 fax: 202-501-1550

Fuel Standard Program National Renewable

Energy Independence and Security Act Proposed Changes as Required by the

May, 2009 Briefing for Congressional Staff





Office of Transportation & Air

Agenda

- Background and statutory requirements
- Lifecycle impacts and GHG thresholds
- Other important provisions
- Overview of Impacts

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A Short History

- RFS program originally required in the Energy Policy Act of 2005
 - ☐ Final rule released on May 1, 2007
 - ☐ Program started on Sept 1, 2007
- Energy Independence and Security Act (December 2007) required changes to the RFS program
 - Significantly increased volumes of renewable fuel
 - Separation of the volume requirements into four separate categories of renewable fuel: cellulosic biofuel, biomass-based diesel, advanced biofuel, total renewable fuel
 - Changes to the definition of renewable fuels to include minimum lifecycle GHG reduction thresholds
 - Restrictions on the types of feedstocks that can be used to make renewable fuel,
 and the types of land that can be used to grow feedstocks
 - Inclusion of specific types of waivers and EPA-generated credits for cellulosic biofuel

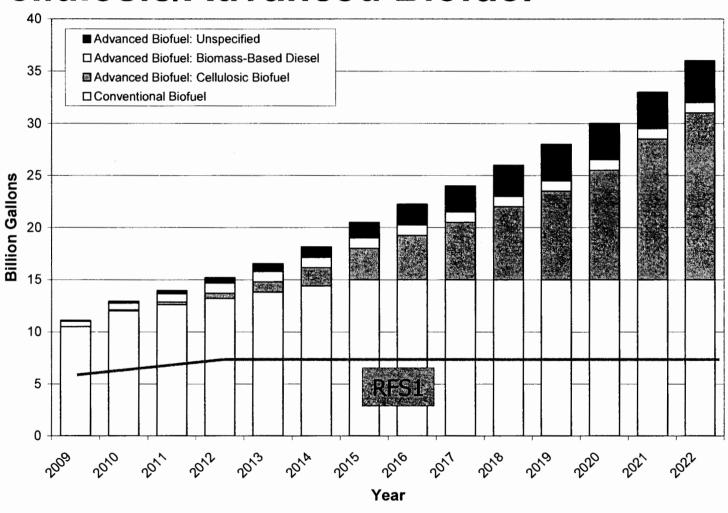
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New Standards

- Four Separate Standards
 - Cellulosic Biofuel: 16 billion gallons by 2022
 - Renewable fuel produced from cellulose, hemicellulose, or lignin
 - E.g., cellulosic ethanol, BTL diesel, green gasoline, etc.
 - Must meet a 60% lifecycle GHG threshold
 - □ Biomass-Based Diesel: 1 billion gallons by 2012 and beyond
 - E.g., Biodiesel, "renewable diesel" if fats and oils not co-processed with petroleum
 - Must meet a 50% lifecycle GHG threshold
 - Advanced Biofuel: minimum of 4 billion additional gallons by 2022
 - Essentially anything but corn starch ethanol
 - Includes cellulosic biofuels and biomass-based diesel
 - Must meet a 50% lifecycle GHG threshold
 - □ Conventional Biofuel: Up to 15 billion gallons
 - Ethanol derived from corn starch or any other qualifying renewable fuel
 - Must meet 20% lifecycle GHG threshold
 - Only applies to fuel produced in new facilities
- Existing biofuel facilities not required to meet conventional biofuel GHG threshold
- EISA language permits EPA to adjust the lifecycle GHG thresholds by as much as 10% -- (60% to 50%; 50% to 40%; 20% to 10%)
 - Based on the market availability of fuels that could count as advanced biofuel, we are proposing that the GHG threshold for advanced biofuel be adjusted to as low as 40%

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The Increase is Almost All Cellulosic/Advanced Biofuel



and Results **Lifecycle Methodology**

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Lifecycle GHG Emissions

- Lifecycle GHG analysis is integral to the new RFS2 Standards
 - □ Without a determination of whether a fuel does or does not comply with the thresholds the program cannot be implemented
- "(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

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Lifecycle GHG Thresholds

- GHG thresholds are defined as the % reduction in lifecycle GHGs for a renewable fuel in comparison to the 2005 baseline gasoline or diesel that it displaces
 - Lifecycle GHG estimates are only used to categorize renewable fuels into the four standards, not to value them
- We have conducted the lifecycle analysis for a variety of renewable fuel pathways
 - Additional analyses for final rule is expected to expand the list of pathways and revise input assumptions based on new information
 - Also proposing a "default" mechanism that would allow some renewable fuels to temporarily generate RINs even if we did not explicitly analyze its lifecycle GHG impacts
- While each renewable fuel pathway has a unique lifecycle GHG emissions impact in grams/mmBtu, for RFS2 regulatory purposes these lifecycle emissions are used only to compare each pathway to the applicable threshold and assign it to one of the four renewable fuel categories

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EISA Lifecycle Work

- EISA definition requires the use of a number of models and tools
 - Including direct and indirect impacts such as land use change requires analysis of markets
 - Typical life cycle analysis tools are based on process modeling
 - To capture market impacts need to use economic models
- Conducting our own process and emissions modeling as part of rulemaking
- Unprecedented interagency coordination on approach to the lifecycle GHG analysis
 - ☐ Since EISA's enactment in December 2007, we met frequently with USDA and DOE to share our analytical plan, request feedback on our key assumptions, and provide preliminary results as they became available
 - In many cases we adopted USDA and DOE models, inputs, and assumptions
- These meetings enabled us to reach technical consensus on our key assumptions and choice of models

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Key Factors in Land Use Assessment

- This analysis has revealed which factors have the most significant impact on the final results
 - □ What type of land is converted?
 - Use of historic satellite data to project type of land converted
 - Alternative approach to use economic models to predict type of land converted
 - □ What time period to consider?
 - What discount rate (if any) to apply to emissions over time?
- We are conducting additional sensitivity analyses around these factors

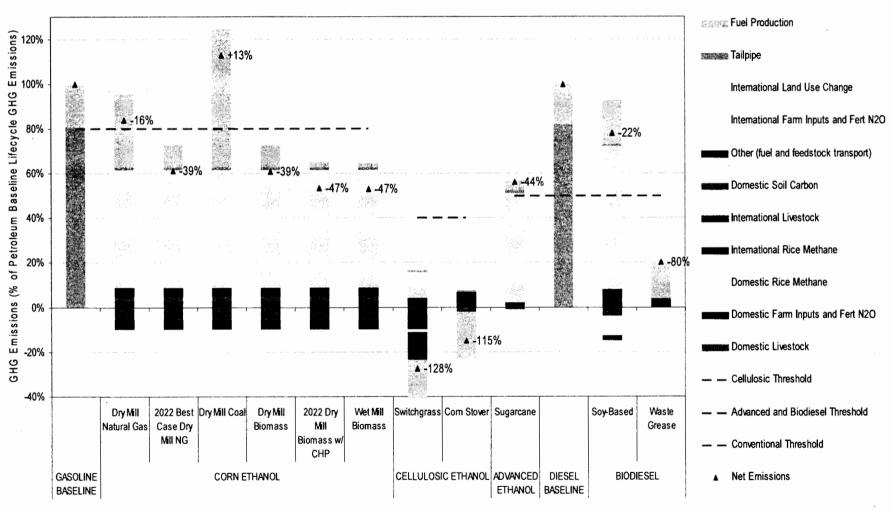
Office of Transportation &

Presentation of LCA Results in the Proposal

- Thorough description of our new methodology and results
- Acknowledge uncertainty, particularly for land-use change impacts
- Presentation of the results along with various sensitivity runs
 - ☐ Corn ethanol assessments for different volumes, different years
 - ☐ Different assumptions for land use impacts
 - Bracketing pasture replacement (zero to 100%)
 - Type of land converted (assume 100% grassland)
 - ☐ Impact of foregone sequestration over time
- Likewise we present several options for valuing the impacts over time

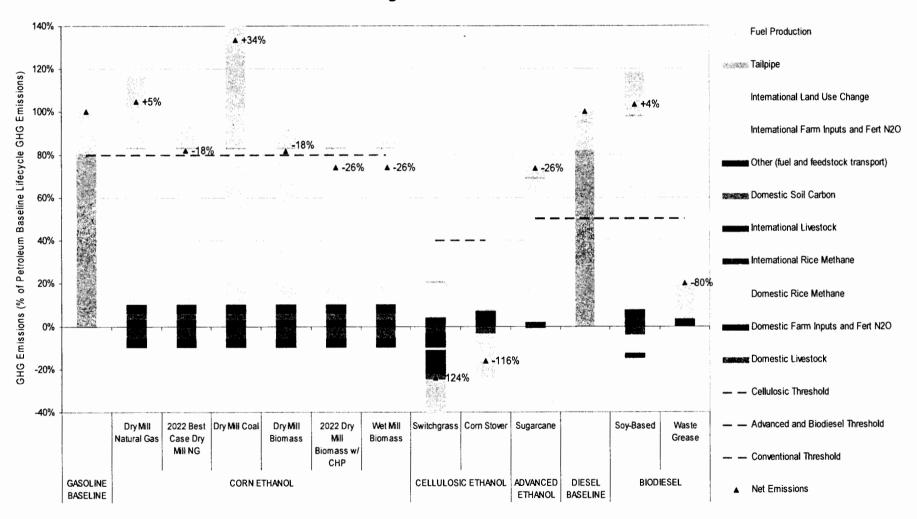
Office of Transportation & Air @

Biofuel Lifecycle GHG Results Different Pathways with 2% Discount Rate – 100 years (2022 Values)



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Biofuel Lifecycle GHG Results Different Pathways with 0% Discount Rate – 30 years (2022 Values)



Other Key Provisions

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Grandfathering

- All biofuel facilities that "commenced construction" prior to EISA are grandfathered
 - They are not required to meet the minimum 20% GHG threshold
 - Does not apply to other thresholds
- We will seek comment on a range of options based on input from stakeholders
 - Protective of pre-EISA investments
 - Level playing field for future investments
 - Practical implementation (avoid NSR-like issues)
- Main proposal is to grandfather a baseline volume for each facility
 - Baseline volume would be grandfathered forever
 - Expansions would be tracked like new facilities
- We expect at least 15 bill gal will be grandfathered
 - All current corn-ethanol production volume
 - All current biodiesel production volume
 - All current sugarcane ethanol production volume

Office of Transportation & Air One

Renewable Biomass Provision

 ■ EISA restricts the types of renewable fuel feedstocks and land that feedstocks can come from. For example: Agricultural land must have been cleared or cultivated prior to Dec 19, 2007 and actively managed or fallow, and non-forested Woody biomass from federal land is not allowed, except from wildfire areas ■ EISA language does not prohibit a "shell game" in which food crops are move to new ag land while existing ag land is used for fuel feedstocks ■ Requires new tracking of feedstocks from point of production to renewable fue producers □ Applies to both domestic and foreign producers ■ We are proposing that renewable fuel producers would be required to maintain records to support their decision to generate or not to generate RINs for a given batch of renewable fuel □ Renewable fuel producers would be expected to work out a system with their feedstock supplier(s) to ensure they generate RINs only for fuel produced from feedstock that meets the definition of "renewable biomass □ The practical implication is that producers would establish tracking systems up through their supply chain □ Other options include relying on third-party verification and use of satellite imagery 	
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through their supply chain Other options include relying on third-party verification and use of satellite	feedstock supplier(s) to ensure they generate RINs only for fuel produced from

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Waivers for Cellulosic Biofuel

- Irrespective of the volumes of cellulosic biofuel required in EISA, EPA is required to determine the standard for the following year based on projections of production
 - ☐ We "may" reduce the advanced biofuel and total renewable fuel standards accordingly
- We are proposing annual Production Outlook Reports for all renewable fuels through which renewable fuel producers will give us their expansion and new construction plans
 - ☐ We expect to conduct a notice-and-comment rulemaking each year for setting the standards using information from the Production Outlook Reports
 - ☐ For 2010 we are proposing that the full 0.1 bill gal requirement from EISA be used as the basis for the standard
- If the projected volume is less than the EISA volume, we must make cellulosic biofuel credits available up to the level of the standard set for that year
 - ☐ Price is set by EISA as greater of 25¢ or \$3 wholesale price of gasoline, adjusted for inflation
 - □ We are proposing that credits ("allowances") only be made available to obligated parties at the time of their compliance demonstration

Impacts

Office of Transportation & Attack

RFS2 Impacts Summary

	GHG Emissions from Transportation
	Reductions of 6.8 billion tons CO2 equivalent
	☐ This is equivalent to approximately 160 million tons CO2 equivalent per year.
	☐ Reductions equivalent to taking about 24 million vehicles off the road.
-	Impacts on Overall Petroleum Consumption in 2022
	36 billion gallons of renewable fuel will increase renewable fuel usage by approximately 22 billion gallons over 2022 base volume scenario
	This will displace about 15 billion gallons of petroleum-based gasoline and diesel fuel.
	This represents about 11% of annual gasoline and diesel consumption with most reductions coming from reduced imports of petroleum.
•	Fuel Cost Impacts (Nationwide Average based on low and high crude costs)
	Gasoline costs would increase by about 2.7 and 10.9 cents per gallonby 2022.
	 Diesel fuel costs could experience a small cost reduction of 0.1 cents per gallon, or increase by about 1.2 cent per gallon
	Increases in gasoline and diesel fuel costs are equivalent to \$4 billion to \$18 billion in 2022
-	Energy Security
	Estimate, the total energy security benefits associated with a reduction of U.S. imported oil is \$12.38/barrel Based upon the \$12.38/barrel figure, total energy security benefits associated with this proposal were calculated at \$3.7 billion
	Consumer Food Costs
	☐ Estimate U.S. food costs would increase by \$10 per person per year by 2022
	Net U.S. farm income would increase by \$7.1 billion dollars (10.6%).



{In Archive} RE: EPA Administrator to Announce Decision on Renewable Fuel Standard Waiver Request

Unruh-Cohen, Ana to: Josh Lewis

08/06/2008 03:01 PM

From:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

To:

Josh Lewis/DC/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Great. thanks, ana

Ana Unruh Cohen, Ph.D.
Deputy Staff Director
Select Committee on Energy Independence & Global Warming
B243 Longworth House Office Building
Washington, DC 20515

www.globalwarming.house.gov/

----Original Message----

From: Lewis.Josh@epamail.epa.gov [
mailto:Lewis.Josh@epamail.epa.gov]

Sent: Wednesday, August 06, 2008 3:00 PM

To: Unruh-Cohen, Ana

Subject: RE: EPA Administrator to Announce Decision

on Renewable Fuel

Standard Waiver Request

Yes, you can call in (though questions will be limited to just press folks). I'll also have info to send out a bit before the call tomorrow.

Josh

"Unruh-Cohen,

Ana"

<Ana.UnruhCohen@

To

mail.house.gov>

Josh

Lewis/DC/USEPA/US@EPA

CC

08/06/2008 02:57

ΡM

Subject

RE: EPA

Administrator to Announce

Decision on

Renewable Fuel

Standard Waiver

Request

Can I call in to listen? Or will you be sending out info to hill staff at the same time?

Thanks, Ana

Ana Unruh Cohen, Ph.D.
Deputy Staff Director
Select Committee on Energy Independence
& Global Warming
B243 Longworth House Office Building
Washington, DC 20515
ana.unruhcohen@mail.house.gov
(202) 225-4012
www.globalwarming.house.gov/

----Original Message---From: Lewis.Josh@epamail.epa.gov [
mailto:Lewis.Josh@epamail.epa.gov]
Sent: Wednesday, August 06, 2008 2:37 PM
To: undisclosed-recipients
Subject: EPA Administrator to Announce Decision on Renewable Fuel

Standard Waiver Request

A heads up on a press advisory that will be going out around 3:30 today.

News Advisory

For Immediate Release: Wednesday, August 6, 2008

EPA Administrator to Announce Decision on Renewable Fuel Standard Waiver

Request

Contact: Jonathan Shradar, (202) 564-4355 / shradar.jonathan@epa.gov

(Washington, D.C. - August 7, 2008)

WHO:

Stephen L. Johnson, Administrator, U.S. EPA Robert Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation

WHAT:

Press teleconference to discuss the State of Texas' request to reduce the nationwide Renewable Fuel Standard (RFS)

WHEN:

Thursday, August 7, 2008, 1:00 p.m. EDT

CALL IN:

Reporters should begin calling in at 12:45 p.m. EDT. The call-in number $\,$

is: (866) 505-1518, use Conference ID# 59503800

Josh Lewis USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550



Re: Fw: Tailpipe 🗎

Josh Lewis to: michal.freedhoff

Cc: Diann Frantz

From:

Josh Lewis/DC/USEPA/US

To:

michal.freedhoff@mail.house.gov

Cc:

Diann Frantz/DC/USEPA/US@EPA

Hi Michal,

Here's the briefing package we used yesterday...



Congressional Briefing 2017-2025 LDV NPRM.pdf

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

---- Forwarded by Diann Frantz/DC/USEPA/US on 11/16/2011 12:11 PM -----

From:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

To:

Diann Frantz/DC/USEPA/US@EPA

Date:

11/16/2011 12:02 PM

Subject:

Tailpipe

Hi Diann

I might not be able to make the briefing. Could you send me any materials that are provided?

11/17/2011 09:21 AM

Thanks Michal Michal Ilana Freedhoff, Ph.D. Policy Director Office of Representative Edward J. Markey 2108 Rayburn House Office Building Washington, DC 20515

Sent using BlackBerry

2017-2025 GHG & CAFE Proposal Overview





Briefing for Congressional Staff November 16, 2011

<u>Overview</u>

- 2017-2025 Standards
- Program Oil & GHG Reductions,
 Cost and Benefits
- Mid-term Evaluation
- Key Program Elements
- Additional Provisions

Greenhouse Gas Standards

Passenger Cars

5%

average rate of improvement

Light Trucks

2017-2021

3.5%

2022-2025

5.0%

- ☐ 2025 Projected Fleet-wide performance of 163 g/mi CO2, equivalent to 54.5 mpg if all technology used to meet the CO2 standards are fuel economy improving technology
- □ 2025 Passenger Car target = 144 g/mi CO2
- 2025 Light truck target = 203 g/mi CO2

CAFE Standards

	2017-2021	2022-2025
passenger cars	4.1%	4.5%
light truck	2.9%	4.7%

	MY 2021	MY 2025
estimated fleet	40.9 mpg	10 6 mm
performance	40.3 IIIPg	49.6 mpg

Standards are Footprint Attribute-based

Each manufacturer has a unique car fleet and truck fleet standard, derived from
the footprint curves, based on the sales-weighted distribution of vehicles
produced

- ☐ Footprint curves assign a specific CO2 or MPG target for each vehicle based on it's footprint (roughly the area between the tires)
- ☐ See Appendix for the actual CAFE and GHG footprint curves

Vehicle Type	Example Models	Example Model Footprint (sq. ft.)	2025 CO ₂ Emissions Target (g/mi)	2025 Fuel Economy Target (mpg)	
Example Passenger Cars					
Compact car	Honda Fit	40	131	61.1	
Midsize car	Ford Fusion	46	147	54.9	
Fullsize car	Chrysler 300	53	170	48.0	
Example Light-duty Trucks					
Small SUV	4WD Ford Escape	44	170	47.5	
Midsize crossover	Nissan Murano	49	188	43.4	
Minivan	Toyota Sienna	55	209	39.2	
Large pickup truck	Chevy Silverado	67	252	33.0	

CAFE Standards



** Including air condition efficiency



Harmonized with GHG standards

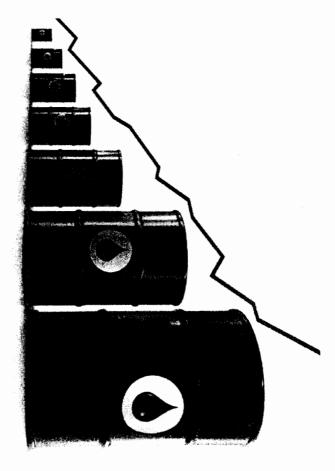


Slight differences

Savings and Reductions

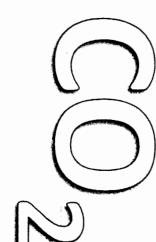
Fuel Savings

4 billion barrels



GHG reductions

2 billion metric tons



Monetized Impacts of the Proposal

- For the lifetime of the 2017-2025 vehicles
 - Fuel savings of \$347 to \$444 billion
 - Costs \$138 to \$140 billion
 - Total Benefits \$449 to \$561 billion
 - Net Benefits of \$311 to \$421 billion
- Consumer Impacts
 - 2025 average vehicle cost increase of \$2,000
 - Lifetime fuel savings of \$5,200 to \$6,600
 - Net lifetime savings of \$3,000 to \$4,400
- Note: all ranges of \$ values based on use of a 3% and 7% discount rate

Mid Term Evaluation

2017 2021 2022 2025



EPA Final unless changed by rulemaking



2017-2021 **Final**

2022-2025 Conditional



Joint Technical **Assessment Report**

Key Program Elements

- Incentive for Hybridization of Full-size Pick-ups
- Multiplier for Advanced Technology Vehicles
- Off-cycle Credits
- Accounting for Upstream Emissions

Full-size Hybrid Pick-ups Incentive

- Incentivize advanced technologies
- Provide a per-vehicle credit for mild and strong hybrid full-size pick-up trucks produced at minimum penetration rates

Hybrid Type	Credits per Vehicle & Model Years Available	Minimum Technology Penetration To Be Eligible for Credits
mild	10 g/mile (2017-2021) (0.001125 gal/mi)	30% of full-size pick-up sales in 2017, increases to 80% by 2021
strong	20 g/mile (2017-2025) (0.00255 gal/mile)	10% of full-size pick-up sales

 Proposal also includes a performance-based incentive credit for pickup trucks exceeding their target by 15 to 20%



Advanced Technology Multiplier

- Include an additional incentive multiplier for each advanced technology vehicle sold between 2017 and 2021.
 - Electric vehicles, plug-in electric, fuel cell vehicles
- Multiplier allows manufacturers to count vehicles more than once in CO₂ fleet average calculation.
- Multiplier would phase-down over time.
- Would not be used in the CAFE program.

Off-cycle Technology Credits



Continuation of program included in 2012-2016.



For the first time proposal includes offcycle improvements for compliance.

- Proposed streamline application and approval process
- Proposed list of a subset of technologies and pre-approved credit levels
- Ability to apply for more credits or other technologies based on sufficient data



Upstream Emissions for EVs

- 0 g/mile for electric operation remains an important element of proposed CO2 standards
- Electric vehicles, plug-in hybrids, and fuel cell vehicles would count as 0 g/mile for upstream for MYs 2017-2021 with no vehicle sales limits
- For MYs 2022-2025, 0 g/mile treatment would be allowed up to a per-company cumulative sales cap
 - Propose a per-company cap: 600,000 cap for companies that sell 300,000 EV/PHEV/FCVs in 2019-2021; 200,000 cap for other automakers
- Request for comment on other approaches

Additional Provisions





air conditioning improvement credits

continue credit program

include

one time early credit carry forward of CO₂ credit



X

basic credit transfer & trading

unlimited

capped transfers unlimited trading

Additional Provisions





CNG vehicles

Propose methodology for treating dual fuel vehicles

Propose methodology beginning in 2020 for dual fuel vehicles

flex fuel vehicles

Continue MY 2016+ FFV emissions based on actual fuel usage

Beginning in 2020, based on actual fuel usage; incentive multiplier will continue.

Additional Provisions



NHTSA WWW.phtsa.gov

exclude police and emergency vehicles



small volume manufacturers

<5,000 annual U.S. sales may petition

<10,000 annual global sales may petition

small business exemption

Propose to continue

n/a

Civil penalties payment in lieu of compliance







<u>Draft Environmental Impact</u> <u>Statement</u>

- Compares the environmental impacts of the proposal and alternatives
 - No action
 - 2% per year Lower Bound
 - Preferred alternative
 - 7% per year Upper Bound
- ☐ Comments may be submitted through January 31

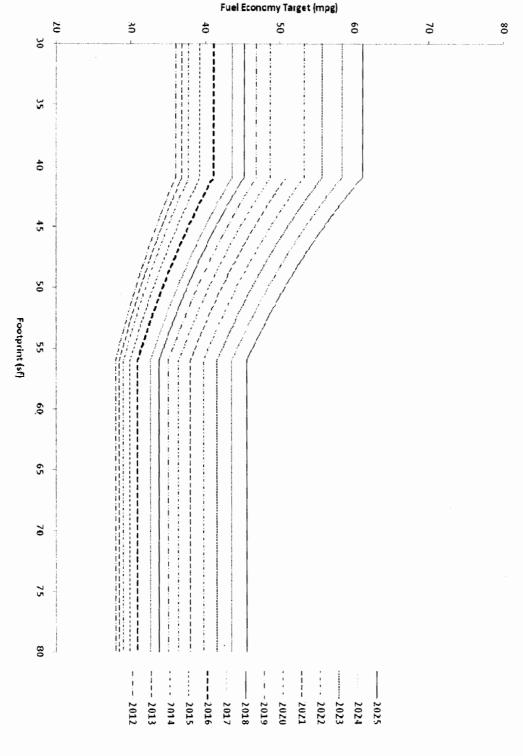
Public Participation

- 60-day public comment period from Federal Register publication
- We plan on having three public hearings in January
- Following the close of the comment period, the agencies will consider all comments and data provided when developing the final rule, which we are targeting for July 2012

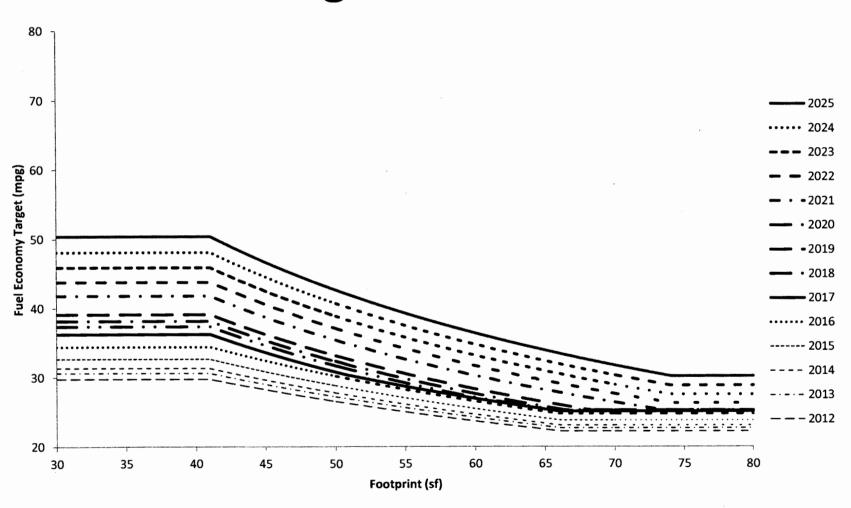
APPENDIX:

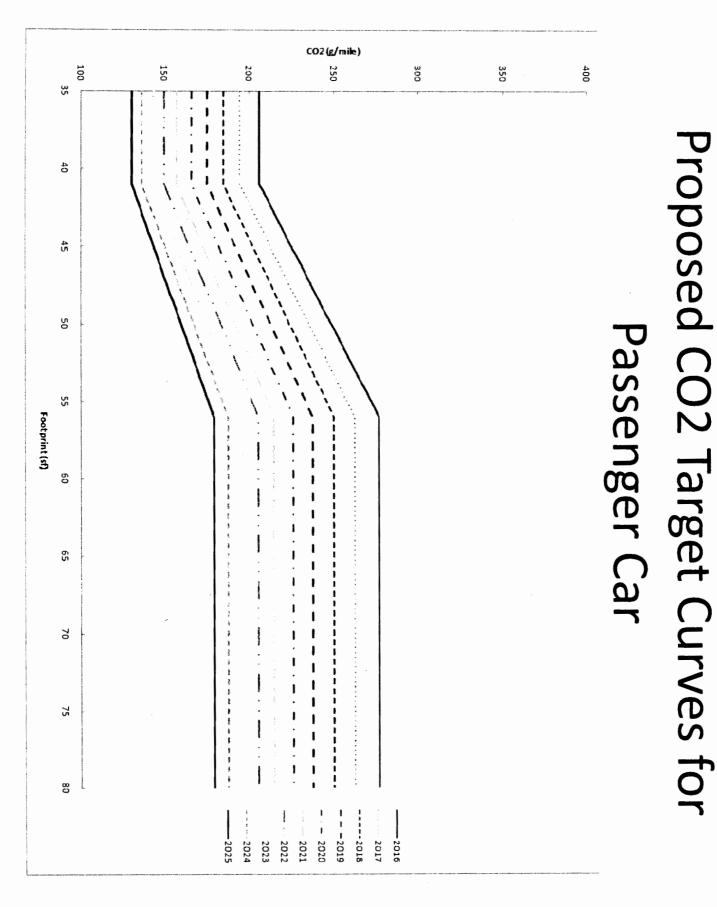
CAFE and CO2 Proposed Footprint Standard Curves

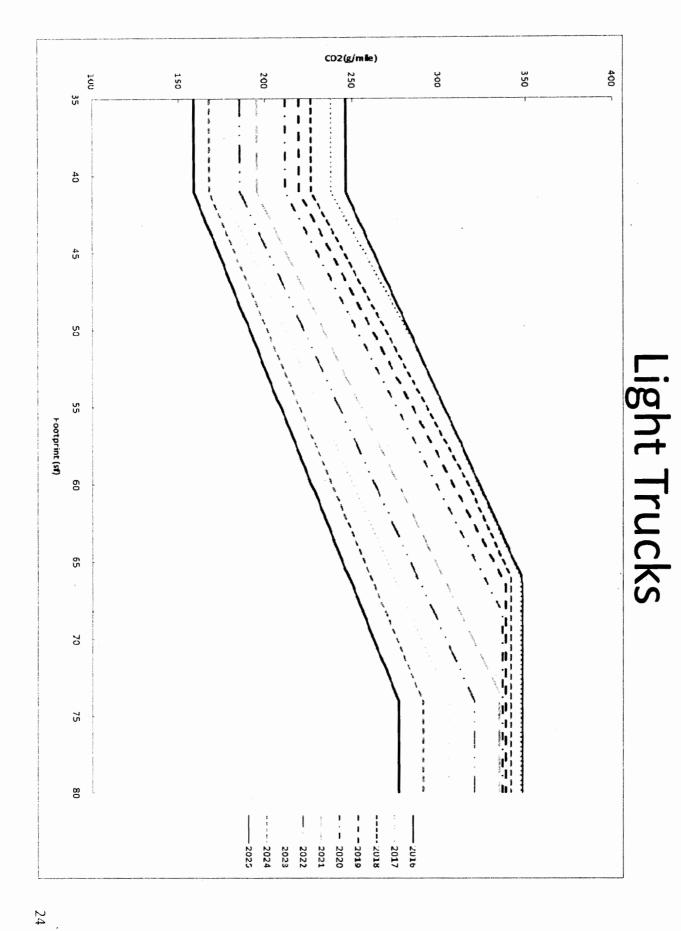
Proposed CAFE Target Curves for Passenger Cars



Proposed CAFE Target Curves for Light Trucks







Proposed CO2 Target Curves for



Re: R-22 follow up []
Josh Lewis to: Joseph, Avenel

11/02/2011 01:48 PM

From:

Josh Lewis/DC/USEPA/US

To:

"Joseph, Avenel" < Avenel. Joseph@mail.house.gov>

Ok got it.

---- Original Message ----

From: "Joseph, Avenel" [Avenel.Joseph@mail.house.gov]

Sent: 11/02/2011 01:46 PM AST

To: Josh Lewis

Subject: RE: R-22 follow up

Main line is the best. Thanks.

Avenel Joseph, M.S., Ph.D. Office of Congressman Edward J. Markey 2108 Rayburn House Office Building 202-225-2836

----Original Message----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Wednesday, November 02, 2011 1:43 PM

To: Joseph, Avenel

Subject: Re: R-22 follow up

Great. Just let me know the best # to reach you (if not the main line).

---- Original Message ----

From: "Joseph, Avenel" [Avenel.Joseph@mail.house.gov]

Sent: 11/02/2011 12:12 PM AST

To: Josh Lewis

Subject: RE: R-22 follow up

Josh,

Wednesday the 9th is fine, let's schedule it for 1pm.

Thank you, Avenel

Avenel Joseph, M.S., Ph.D. Office of Congressman Edward J. Markey 2108 Rayburn House Office Building ----Original Message----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Wednesday, November 02, 2011 10:50 AM

To: Joseph, Avenel

Subject: R-22 follow up

Hi Avenel,

I just spoke w/ Drusilla Hufford, the division director here who manages Montreal Protocol/R-22. She's happy to do a call to discuss this...the issue is her schedule is crazy until next Wednesday. Any chance you can wait a week to do a call on this? She's free next Wed from 8-10, and 11:30-4.

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

Follow-up Questions on clean air grant funding Cheryl Mackay to: Ana.UnruhCohen, Avenel.Joseph

05/31/2012 04:42 PM

From:

Cheryl Mackay/DC/USEPA/US

To:

Ana.UnruhCohen@mail.house.gov, Avenel.Joseph@mail.house.gov

Ana and Avenel, Below are answers to the questions raised on today's call. Please let me know if you need anything else.

Cheryl A. Mackay U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

1) What is the STAG funding level requested in the FY 2013 President Budget request?

OAR's STAG President Budget request for FY 2013 is \$301.5M which represents an increase of \$65M over our FY12 enacted budget of \$235M.

2) How much funding will the states need under a phase-in approach not to lose any funding?

OAR can phase implementation of its revised allocation approach, with no areas of the country loosing funding, if we receive the requested increase in core funding in the President's Budget. If increases in subsequent years were not forthcoming, shifts in funding would be moderated so that no Region would experience a decline of more than 5% of its prior year funding level. The approach could be superseded by other major developments - (e.g., change in available or targeted funding, changes in attainment status).



Accepted: call - EPA and Rep. Markey's staff - distribution of grants for clean air program activities

Thu 05/31/2012 1:30 PM - 2:30

PM

Location:

call:

Ana.UnruhCohen@mail.house.gov "Unruh-Cohen, Ana" has accepted this meeting invitation

Required:

Avenel.Joseph@mail.house.gov, Janet McCabe/DC/USEPA/US@EPA

3, code

Optional:

Emily Atkinson/DC/USEPA/US@EPA

FYI:

RE: Update 🗎

Cheryl Mackay to: Unruh-Cohen, Ana

Cc: "Phillips, Jonathan"

From:

Cheryl Mackay/DC/USEPA/US

To:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

Cc:

"Phillips, Jonathan" < Jonathan. Phillips@mail.house.gov>

Hi Ana and Jonathan,

We can do this call tomorrow 9-1, 2-3 or after 4; or Wed. 9-1 or after 3. Let me know what you think.

Also, if you could give me some more details on the types of questions you are going to have, that would be great.

Thanks! Cheryl

Cheryl A. Mackay

U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

"Unruh-Cohen, Ana"

Thanks, Joel. Lunch soon sounds good. Cher...

06/22/2012 02:17:48 PM

06/25/2012 01:07 PM

From:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

To:

Joel Beauvais/DC/USEPA/US@EPA, "Phillips, Jonathan" < Jonathan. Phillips@mail.house.gov>

Cc:

Cheryl Mackay/DC/USEPA/US@EPA

Date:

06/22/2012 02:17 PM

Subject:

RE: Update

Thanks, Joel. Lunch soon sounds good.

Cheryl, Could you help us connect to the right people to help us understand the proposal the demand response interactions? It would be good if we could do a call early next week.

Thanks, Ana

From: Joel Beauvais [mailto:Beauvais.Joel@epamail.epa.gov]

Sent: Friday, June 22, 2012 2:13 PM

To: Phillips, Jonathan

Cc: Unruh-Cohen, Ana; Cheryl Mackay

Subject: RE: Update

Hi, guys - I know a bit about the RICE proposal and DR interactions, but I'm not the expert. Probably best would be for you guys to connect with Cheryl, cc'd, who can get you connected with the OAQPS folks on this - though probably not today.

Alas, no flex Fridays for me - it's pretty much all out, all the time. That said, I am hoping to get out you guys way for lunch with the gang at some point - if ever you see a good opportunity for that, please let me know.

Joel

"Phillips, Jonathan" ---06/22/2012 01:15:51 PM---Hi Joel. Congrats on the new position! Ana and I are eager to tap into that new and expanding part o

From: "Phillips, Jonathan" < <u>Jonathan.Phillips@mail.house.gov</u>>

To: Joel Beauvais/DC/USEPA/US@EPA

Cc: "Unruh-Cohen, Ana" < Ana. UnruhCohen@mail.house.gov>

Date: 06/22/2012 01:15 PM Subject: RE: Update

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I know you're in the midst of transition and may be enjoying flex-Friday, so totally understand if you're out of pocket the remainder of the day. Let me know if there's an alternative time that works. Thanks.

Jonathan

Jonathan Phillips Senior Policy Advisor House Natural Resources Committee, Democratic Staff RE: Update 🗎

Cheryl Mackay to: Unruh-Cohen, Ana Cc: Joel Beauvais, "Phillips, Jonathan"

06/22/2012 02:20 PM

From:

Cheryl Mackay/DC/USEPA/US

To:

"Unruh-Cohen, Ana" < Ana. Unruh Cohen@mail.house.gov>

Cc:

Joel Beauvais/DC/USEPA/US@EPA, "Phillips, Jonathan" <Jonathan.Phillips@mail.house.gov>

Hi Ana and Jonathan, Yes, I can definitely do that. Will reach out to OAQPS and get back to you with some proposed times. -Cheryl

Cheryl A. Mackay

U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

"Unruh-Cohen, Ana"

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06/22/2012 02:17:48 PM

From:

"Unruh-Cohen, Ana" < Ana. UnruhCohen@mail.house.gov>

To:

Joel Beauvais/DC/USEPA/US@EPA, "Phillips, Jonathan" < Jonathan.Phillips@mail.house.gov>

Cc:

Cheryl Mackay/DC/USEPA/US@EPA

Date:

06/22/2012 02:17 PM

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To: Phillips, Jonathan

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Cc: "Unruh-Cohen, Ana" < Ana. UnruhCohen@mail.house.gov>

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Jonathan

Jonathan Phillips Senior Policy Advisor House Natural Resources Committee, Democratic Staff



RE: Update

Unruh-Cohen, Ana to: Joel Beauvais, Phillips, Jonathan

Cc: Cheryl Mackay

06/22/2012 02:17 PM

From:

"Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

To:

Joel Beauvais/DC/USEPA/US@EPA, "Phillips, Jonathan" < Jonathan. Phillips@mail.house.gov>

Cc:

Cheryl Mackay/DC/USEPA/US@EPA

History:

This message has been replied to and forwarded.

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To: Phillips, Jonathan

Cc: Unruh-Cohen, Ana; Cheryl Mackay

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Cc: "Unruh-Cohen, Ana" <Ana.UnruhCohen@mail.house.gov>

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Jonathan

Jonathan Phillips Senior Policy Advisor House Natural Resources Committee, Democratic Staff



two EMBARGOED announcements on RFS

Cheryl Mackay to:

Patricia Haman, Josh Lewis, Carolyn Levine, "Martin Ashley -

OSEC"

Kyle.oliver, Krista.rosenthall, Michael.weems, Allison.busbee, Bcc: mary.neumayer, Chris.sarley, Monica.volante, Nathan.rea,

At.johnston, Diane.rinaldo, Brad.grantz, "James Decker",

From:

Cheryl Mackay/DC/USEPA/US

To:

Cc:

Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA, "Martin Ashley - OSEC" <Ashley.Martin@osec.usda.gov>

Bcc: Kyle.oliver@mail.house.gov, Krista.rosenthall@mail.house.gov,

Michael.weems@mail.house.gov, Allison.busbee@mail.house.gov, mary.neumayer@mail.house.gov, Chris.sarley@mail.house.gov,

Good afternoon,

Below are two EPA press releases related to the Renewable Fuel Standards. EPA plans to make these announcements at around 2:00pm today. Please keep this information embargoed until then. Thank you. More information will appear on the websites (links in the press releases) when they go live. Please let me know if you have questions. Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

EPA Proposes 2013 Renewable Fuel **Standards**

WASHINGTON -- The U.S. Environmental Protection Agency (EPA) proposed the 2013 percentage standards for four fuel categories that are part of the agency's Renewable Fuel Standard program (RFS2).

The proposals announced today will be open to a 45-day public comment period and EPA will consider feedback from a range of stakeholders before the proposal is finalized. EPA continues to support the use of renewable fuels within the transportation sector through the RFS2 program, which encourages innovation, strengthens American energy security, and decreases greenhouse gas pollution.

The Energy Independence and Security Act of 2007 (EISA) established the RFS2 program and the annual renewable fuel volume targets, which steadily increase to an overall level of 36 billion gallons in 2022. To achieve these volumes, EPA calculates a percentage-based standard for the following year. Based on the standard, each refiner and importer

01/31/2013 01:00 PM

FYI: US critical use exemption nomination for methyl bromide

Cheryl Mackay to:

01/25/2013 04:33 PM

Cc: Patricia Haman, Laura Vaught, Sven-Erik Kaiser, Josh Lewis

Kyle.oliver, Krista.rosenthall, Michael.weems, Allison.busbee, mary.neumayer,

Bcc: Chris.sarley, Monica.volante, Nathan.rea, At.johnston, Diane.rinaldo, Brad.grantz, James.decker, Josh.lynch, Michael.calvo, Megan.bel,

From:

Cheryl Mackay/DC/USEPA/US

To:

Cc:

Patricia Haman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Sven-Erik

Kaiser/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA

Bcc:

Kyle.oliver@mail.house.gov, Krista.rosenthall@mail.house.gov, Michael.weems@mail.house.gov, Allison.busbee@mail.house.gov, mary.neumayer@mail.house.gov, Chris.sarley@mail.house.gov,

This email is to let you know that the U.S. has submitted the nomination for 2015 critical uses of methyl bromide under the Montreal Protocol. Methyl bromide was banned under the Montreal Protocol in 2005, except for limited uses; since then, the EPA has worked with the Department of Agriculture and the Department of State to annually nominate uses that have demonstrated a critical need. Working with our interagency partners and the grower community to develop robust technical support for critical use nominations has paid off: in most years, Montreal Protocol Parties have authorized 90% of our nomination. In the November 2012 meeting, they authorized 100% of the U.S. 2014 request. For 2015, the U.S. nominated California strawberries, dried cured pork products, and dates.

More information will be on this website once it goes live: http://www.epa.gov/ozone/mbr/cueinfo.html

Please let me know if you have questions.

Cheryl A. Mackay U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

RICE NESHAP docket

Cheryl Mackay to: Ana.UnruhCohen, Jonathan.Phillips, Michal.Freedhoff,

Jeff.duncan

06/26/2012 02:46 PM

From:

Cheryl Mackay/DC/USEPA/US

To:

Ana.UnruhCohen@mail.house.gov, Jonathan.Phillips@mail.house.gov,

Michal.Freedhoff@mail.house.gov, Jeff.duncan@mail.house.gov

Following up on today's call . . . The docket is at www.regulations.gov. The docket number for the RICE NESHAP is EPA-HQ-OAR-2008-0708. As Melanie mentioned, we've only gotten a few comments in so far on the June 7 proposal-- they begin with document number EPA-HQ-OAR-2008-0708-0867. The docket also includes the comments on the original 2010 rules as well as comments on a notice we published in December 2010 requesting comment on the issues raised in the petitions for reconsideration from EnerNOC and from Delaware.

The docket number for the notice of the settlement agreement with EnerNOC is EPA-HQ-OGC-2011-1030.

Cheryl A. Mackay U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550



Accepted: conversation re RICE proposal: EPA and House Natural Resources (Markey) staff

Tue 06/26/2012 2:00 PM - 3:00 PM

Location:

call:

, code

Ana.UnruhCohen@mail.house.gov "Unruh-Cohen, Ana" has accepted this meeting invitation

Required:

Ana.UnruhCohen@mail.house.gov, Jackie Ashley/RTP/USEPA/US@EPA, Jonathan.Phillips@mail.house.gov, Melanie King/RTP/USEPA/US@EPA, RobertJ Wayland/RTP/USEPA/US@EPA

Press release: EPA Finalizes Clean Air Standards for Industrial Boilers, Incinerators and Cement Kilns

Cheryl Mackay to:

12/21/2012 10:05 AM

christoper.king, clint.woods, david.mccarthy, heidi.king, anita.bradley, Cc: michael.weems, james.thomas, cory.hicks, chris.sarley, grant.culp, "carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From:

Cheryl Mackay/DC/USEPA/US

To:

Cc:

christoper.king@mail.house.gov, clint.woods@mail.house.gov,

david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov,

michael.weems@mail.house.gov, james.thomas@mail.house.gov,

Please see below for a press release on today's announcement on new final standards for industrial boilers, incinerators, and cement kilns. Please call me if you have questions.

Cheryl A Mackay

Cheryl A. Mackay U.S. EPA

Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

EPA Finalizes Clean Air Standards for Industrial Boilers, Incinerators and Cement Kilns

Updated Rules Provide Extensive Public Health Protections, Cuts Costs of Compliance

WASHINGTON - Today, the U.S. Environmental Protection Agency (EPA) finalized changes to Clean Air Act standards for boilers and certain incinerators that will achieve extensive public health protections by slashing toxic air pollution, including mercury and particle pollution, while at the same addressing feedback provided by industry and labor groups, increasing the rule's flexibility and dramatically reducing costs. As a result, 99 percent of the approximately 1.5 million boilers in the U.S. are not covered or can meet the new standards by conducting periodic maintenance or regular tune-ups.

The final adjustments to the standards are based on an extensive analysis of data and input from states, environmental groups, industry, lawmakers and the public. As a result of information gathered through this review, including significant dialogue and meetings with public health groups, industry, and the public, the final rule dramatically cuts the cost of implementation by individual boilers that EPA proposed in 2010. At the same time, these rules will continue to deliver significant public health benefits. EPA estimates that for every dollar spent to reduce these pollutants, the public will see \$13 to \$29 in health benefits, including fewer instances of asthma, heart attacks, as well as premature deaths.

Today's rules set numerical emission limits for less than one percent of boilers - those that emit the majority of pollution from this sector. For these high emitting boilers and incinerators, typically operating at refineries, chemical plants and other industrial facilities, EPA is establishing more targeted emissions limits that protect public health and provide industry with practical, cost-effective options to meet the standards.

EPA has also finalized revisions to the Non-Hazardous Secondary Material Rule to provide clarity on what types of secondary materials are considered non-waste fuels and provide greater flexibility in rule

implementation. This final rule classifies a number of secondary materials as categorical non-wastes when used as a fuel and allows for operators to request that EPA identify specific materials through rulemaking as a categorical non-waste fuel.

Particle pollution and other harmful pollutants released by boilers and incinerators can lead to adverse health effects including cancer, heart disease, aggravated asthma and premature death. In addition, toxic pollutants such as mercury and lead that will be reduced by this rule are linked to developmental disabilities in children. These standards will avoid up to 8,100 premature deaths, prevent 5,100 heart attacks and avert 52,000 asthma attacks per year in 2015.

In a separate EPA action today, to meet a court deadline, the agency issued final amendments to the 2010 clean air standards for the cement manufacturing industry. The final amendments maintain the significant emission reductions from the 2010 standards, while providing industry additional time to implement the revised rules. For more information, visit: http://www.epa.gov/airquality/cement More detailed information on the final standards for boilers and incinerators is available at www.epa.gov/airquality/combustion.

Re: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion

Engine) final rule

Cheryl Mackay to: Phillips, Jonathan

01/14/2013 07:15 PM

Cc: "Freedhoff, Michal", "Unruh-Cohen, Ana"

From:

Cheryl Mackay/DC/USEPA/US

To:

"Phillips, Jonathan" < Jonathan. Phillips@mail.house.gov>

Cc:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>, "Unruh-Cohen, Ana"

<Ana.UnruhCohen@mail.house.gov>

Call in # will be

code

From: "Phillips, Jonathan" [Jonathan.Phillips@mail.house.gov]

Sent: 01/14/2013 05:06 PM EST

To: Cheryl Mackay

Cc: "Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>; "Unruh-Cohen, Ana"

<Ana.UnruhCohen@mail.house.gov>

Subject: RE: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion

Engine) final rule

Hi Cheryl—Please send let me know the call-in info. Thanks.

Jonathan Phillips Senior Policy Advisor House Natural Resources Committee, Democratic Staff

From: Freedhoff, Michal

Sent: Monday, January 14, 2013 5:01 PM To: Unruh-Cohen, Ana; Phillips, Jonathan

Subject: FW: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final

rule

Michal Ilana Freedhoff, Ph.D.
Policy Director
Office of Congressman Edward J. Markey (D-MA)
2108 Rayburn House Office Building
Washington, DC 20515

From: Mackay.Cheryl@epamail.epa.gov [mailto:Mackay.Cheryl@epamail.epa.gov]

Sent: Monday, January 14, 2013 4:51 PM To: Mackay.Cheryl@epamail.epa.gov

Cc: Teitz, Alexandra; Baran, Jeff; Marshall, John; DeGraff, Kenneth; Repko, Mary Frances; Freedhoff,

Michal; Ullman, Neal; Wright, Tuley

Subject: Re: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final

rule

All:

It looks like 10:00 is a bad time for a few folks. Peter Tsirigotis has agreed to be available at 1:00 for a call as well. So if you would prefer to do 1:00, please let me know. (The 10:00 call will still go on, and Senate staff will be on that call. You are free to join either one.)

So, again, if you would like to be part of one of the RICE calls tomorrow, at 10:00 or 1:00, please let me know and I will send you the call-in info.

Cheryl

Cheryl Mackay---01/14/2013 04:05:17 PM---Hi, Given your recent interest in the RICE rule, I wanted to let you know that we expect the rule to

From: Cheryl Mackay/DC/USEPA/US

To: kenneth.degraff@mail.house.gov, mary.frances.repko@mail.house.gov, Alexandra.Teitz@mail.house.gov, Jeff.Baran@mail.house.gov, Michal.Freedhoff@mail.house.gov, jmarshall@mail.house.gov, "Ullman, Neal" <

Neal.Ullman@mail.house.gov>, Tuley.Wright@mail.house.gov

Date: 01/14/2013 04:05 PM

Subject: Conference call Tuesday at 10 am - "RICE" (Reciprocating Internal Combustion Engine) final rule

Hi,

Given your recent interest in the RICE rule, I wanted to let you know that we expect the rule to clear OMB and be signed later today, and then at some point tomorrow we will issue a press release. I'll send final materials in the morning as soon as I have them.

I also wanted to see if there's interest in a call tomorrow morning at 10 am for EPA staff to brief you on the final rule. If you are interested, please respond to this email and I'll send you a call in #.

Thanks, Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations

tel: (202) 564-2023 fax: (202) 501-1550

EPA announcement: GHG reporting program, 2011 data Cheryl Mackay to:

Kyle.oliver, Krista.rosenthall, Michael.weems, Allison.busbee, mary.neumayr,

Bcc: Chris.sarley, Monica.volante, Nathan.rea, At.johnston, Diane.rinaldo, Brad.grantz, James.decker, Josh.lynch, Michael.calvo, Megan.bel,

From:

Cheryl Mackay/DC/USEPA/US

To:

Bcc:

Kyle.oliver@mail.house.gov, Krista.rosenthall@mail.house.gov, Michael.weems@mail.house.gov, Allison.busbee@mail.house.gov, mary.neumayr@mail.house.gov, Chris.sarley@mail.house.gov,

Today EPA will release the 2011 greenhouse gas (GHG) data collected under the EPA's GHG Reporting Program (GHGRP). Here is the link which should go live with the new data shortly after noon:

http://www.epa.gov/ghgreporting/

Here is the press release:

EPA Updates Greenhouse Gas Emissions Data from Large Facilities

WASHINGTON – Today, the Environmental Protection Agency (EPA) posted the second year of greenhouse gas (GHGs) emissions data on its website, which provides public access to emissions data by sector, by greenhouse gas, and by geographic region such as county or state.

Greenhouse gases are the primary driver of climate change, which can lead to hotter, longer heat waves that threaten the health of the sick, poor or elderly; increases in ground-level ozone pollution linked to asthma and other respiratory illnesses; as well as other threats to the health and welfare of Americans.

"Transparency ensures a better informed public, which leads to a better protected environment," said Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation. "With this second data release, communities, businesses and others can track and compare facilities' greenhouse gas emissions and identify opportunities to cut pollution, minimize wasted energy, and save money."

The 2011 data, collected through the congressionally mandated Greenhouse Gas (GHG) Reporting Program, includes information from facilities in 41 source categories that emit large quantities of greenhouse gasses. The 2011 data also contains new data collected from 12 additional source categories, including petroleum and natural gas systems and coal mines.

For facilities that are direct emitters of GHGs the data show that in 2011:

- Power plants remain the largest stationary source of GHG emissions, with 2,221 million metric
 tons carbon dioxide equivalent (mmtCO2e), roughly one-third of total U.S. emissions. 2011
 emissions from this source were approximately 4.6 percent below 2010 emissions, reflecting an
 ongoing increase in power generation from natural gas and renewable sources.
- Petroleum and natural gas systems were the second largest sector, with emissions of 225 mmtCO2e in 2011, the first year of reporting for this group.

02/05/2013 12:30 PM

 Refineries were the third-largest emitting source, with 182 mmtCO2e, a half of a percent increase over 2010.

EPA now has two years of greenhouse gas data for 29 source categories. Some industrial sectors, such as metals production and chemicals production, reported overall increases in emissions, while others, such as power plants, reported decreases. Overall emissions reported from these 29 sources were 3 percent lower in 2011 than in 2010. In the future the data collected through the program will provide the public with the opportunity to compare emissions and developing trends for all 41 industry types —by facility and sector.

This data is accessible through the Facility Level Information on Green House gases Tool (FLIGHT) – a web-based data publication tool. EPA has also expanded accessibility of this data through EPA's online database EnviroFacts that allows a user to search for information by zip code.

The data collection program is required by Congress in the FY2008 Consolidated Appropriations Act, which requires facilities to report data from large emission sources across a range of industry sectors, as well as suppliers of certain greenhouse gases, and products that would emit GHGs if released or combusted. EPA's GHG Reporting Program includes information from more than 8,000 sources and represents 85-90 percent of total U.S. GHG emissions. This data only includes large facilities and does not include small sources, agriculture, or land use, which can also be significant sources of greenhouse gas emissions.

Access EPA's GHG Reporting Program Data and Data Publication Tool: http://www.epa.gov/ghgreporting/

Access EnviroFacts: http://epa.gov/enviro/

Please let me know if you have questions.

Cheryl

Cheryl A. Mackay U.S. EPA Office of Congressional Relations (202) 564-2023



From:

Sven-Erik Kaiser/DC/USEPA/US

To:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

cc:

bcc:

Subject:

Re: Letter to Administrator Jackson on pesticides and bees

Posted Date:

08/22/2012 10:12 AM

Distribution List: <Avenel.Joseph@mail.house.gov>

Avenel - thank you for the advance copy of the letter. I'm the contact person and would be pleased to work with you on the letter and related matters. Best, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Joseph, Avenel"

Hi Sven, I figure you are the contact...

08/22/2012 09:42:49 AM

From:

"Joseph, Avenel" <Avenel.Joseph@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

08/22/2012 09:42 AM

Subject:

Letter to Administrator Jackson on pesticides and bees

Hi Sven,

I figure you are the contact person on this, but if not, please let me know who I should touch base with. I wanted to let you know that my boss will be sending a letter later today on bees and pesticides. A hard copy will also be dropped in the mail today.

Thanks, Avenel

Avenel Joseph, M.S., Ph.D.

Office of Representative Edward J. Markey (MA-07) 2108 Rayburn House Office Building Washington, DC 20515

Follow Rep. Markey on Facebook, YouTube, and Twitter Sign up for Rep. Markey's e-newletter at http://markey.house.gov/signup POS

08-22-12 letter to EPA _pesticides and bees.pdf

COMMITTEES

NATURAL RESOURCES RANKING DEMOCRAT

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EDWARD J. MARKEY

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http://markey.house.gov

Congress of the United States

House of Representatives Washington, DC 20515-2107

August 22, 2012

The Honorable Lisa Jackson Administrator **Environmental Protection Agency** Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

The Environmental Protection Agency (EPA) recently denied a March 20, 2012 petition¹ to suspend the use of a common pesticide called clothianidin. The petitioners presented evidence and recent scientific studies to demonstrate that the use of clothianidin, a member of a closely related group of pesticides known as neonicotinoids, is jeopardizing bee populations. In its response letter, the EPA posited that there was not sufficient scientific evidence to support the claims of the petition and to warrant suspension of clothianidin's use.² Because honeybees are a key pollinator for many food crops and therefore contribute significantly to our economy, it is important that we fully understand how certain pesticide use may be contributing to their decline. I am writing to inquire what steps the EPA is taking to ensure that there is sufficient scientific understanding of how clothianidin and other pesticides impact honeybees and other pollinators.

Bees are vital to our nation's economy and food security. According to the U.S. Department of Agriculture (USDA), more than 100 crops in North America require pollinators to be their most productive, and honeybees act as a key pollinator for many of these crops.³ Bee pollination is thought to contribute approximately \$15 billion worth of additional crop yields.⁴ As such, the decline in honeybees could decrease yields for many important crops, resulting in lost revenues for farmers and other members of the food industry and could potentially result in higher food prices for consumers. Moreover, many Americans make their living by raising bees and provisioning their services. According to a 2011 survey, individual beekeepers lost an average of 38.4% of their colonies from October 2010 to April 2011. The specific reasons for these bee deaths remain unknown.

¹ http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2012-0334-0015

² http://www.epa.gov/pesticides/about/intheworks/epa-respns-to-clothianidin-petition-17july12.pdf

³ http://plants.usda.gov/pollinators/Pesticide_Considerations_For_Native_Bees_In_Agroforestry.pdf

⁴ http://www.ars.usda.gov/News/docs.htm?docid=15572

⁵ http://www.ars.usda.gov/is/pr/2011/110523.htm

Beginning in the mid-2000's, beekeepers began reporting sudden, mysterious, and substantial declines in viable honeybee colonies ranging from 30-90% depending on the region. Notably, many beekeepers reported that hives had been abandoned by adult worker bees, leaving the Queen and immature bees to starve. This phenomenon was dubbed "Colony Collapse Disorder". While the exact cause of Colony Collapse Disorder is a topic of ongoing study, scientific evidence has implicated a class of pesticides known as neonicotinoids in this phenomenon.

Two recent scientific studies offer evidence that neonicotinoids may cause Colony Collapse Disorder. In a study published in the journal *Science* on April 20, 2012, scientists reported that honeybees treated with a nonlethal dose of thiamethoxam, a type of neonicotinoid, failed to return to their hive. In a related study published in the same issue of *Science*, researchers treated colonies of bumblebees with a low dose or high dose of imidacloprid, another type of neonicotinoid. They observed that bees exposed to imidacloprid had lower body weight than non-exposed bees. Moreover, colonies exposed to imidacloprid produced fewer queens than non-exposed colonies. Many other studies show that neonicotinoids harm bees, as reviewed in the March 20, 2012 petition and in EPA's technical support document for the July 17, 2012 response.

Neonicotinoids are considered to be a "modern" class of pesticides. They are the only class of insecticides introduced in the last 50 years and are now widely used to kill a myriad of insects in commercial and domestic settings. Neonicotinoids include thiamethoxam (registered in 1972), imidacloprid (registered in 1994), nithiazine (registered in 1995), acetamiprid (registered in 2002), clothianidin (registered in 2003), thiacloprid (registered in 2003), and dinotefuran (registered in 2004). They appear as the active ingredients in a variety of products targeted at everything from large-scale agriculture to home gardening. EPA estimates that corn farmers use 70,000 pounds of imidacloprid per year, while potato farmers use 50,000 pounds per year. 10 Imidacloprid is also the active ingredient in products marketed for domestic outdoor pest control. For example, a product called CoreTect® combines imidacloprid and plant fertilizer. CoreTect is administered as a slow-release tablet in the soil, such that imidacloprid stays in the plant for months. 11 A similar product called Bonide's Rose RX Systemic Drench promises to persist for six weeks in plants and soil. 12 In addition, imidacloprid is the active ingredient in popular flea repellents for pets. 13 The variety and popularity of products containing neonicotinoids makes it clear that bees and other pollinators encounter neonicotinoids throughout domestic and agricultural landscapes.

⁶ http://www.wired.com/wiredscience/2012/04/neonicotinoids-colony-collapse/

⁷ Henry, M. et al. 2012. A common pesticide decreases foraging success and survival in honeybees. Science 336:348-350.

Whitehorn, P.R. et al. 2012. Neonicotinoid pesticide reduces bumble bee colony growth and queen production. Science 336:351-352.

⁹ http://www.regulations.gov/#!documentDetail;D=EPA-HO-OPP-2012-0334-0012

¹⁰ Imidacloprid summary document: EPA-HQ-OPP-2008-0844-0002

¹¹ http://www.domyownpestcontrol.com/coretect-tree-shrub-tablets-p-1352.html

¹² http://www.domyownpestcontrol.com/bonide-rose-rx-systemic-drench-concentrate-p-1711.html

¹³ Examples include Advantage®, Advantix ®, K-9 Advantix ®

Several European countries have already taken action to protect bees from neonicotinoids. Acute incidents such as a large bee die-off in Germany in 2008, combined with rising concerns regarding subtler negative impacts of neonicotinoids on bees, have led four countries to suspend certain neonicotinoid seed treatments. France has suspended the use of clothianidin to treat corn and sunflower seeds and thiamethoxam to treat the seeds of rapeseed plants. Germany and Italy have suspended the use of clothianidin, thiamethoxam and imidacloprid to treat corn seeds, and Slovenia has suspended the use of clothianidin to treat corn seeds. While sunflower is the only species among these plants that requires pollination, the suspensions of pesticide use apply to plants that bees may be in close proximity to, regardless of whether the bees are pollinating those plants.¹⁴

On March 20, 2012, a group of 28 petitioners wrote a letter to the EPA seeking a suspension of registration for clothianidin, asserting that the chemical causes Colony Collapse Disorder. In a response dated July 17, 2012, the EPA denied the request for an emergency suspension on the grounds that there was not sufficient scientific evidence linking clothianidin to Colony Collapse Disorder. The letter explains that, "the EPA agrees with the scientific community that additional research is necessary to address Colony Collapse Disorder. However, the existence of uncertainty as to these questions is not sufficient to satisfy the high probability standard necessary to support the finding of imminent hazard." Thus, while there is some evidence linking clothianidin and other neonicotinoids to Colony Collapse Disorder, the EPA does not feel that there is sufficient evidence to justify action at this time.

Given the concerns raised by scientists about the impacts of neonicotinoids on bee colonies, actions taken by other countries to restrict or ban the use of these chemicals and the EPA's role in the oversight of pesticide registration and use, I request that you respond to the following questions and provide supporting documents no later than September 9, 2012.

- 1. Has the EPA investigated the impacts of neonicotinoids on honeybees and other pollinators? If so, what has the EPA concluded? If not, why not?
- 2. In its July 17, 2012 letter, EPA suggested that gaps exist in the research on the effects of neonicotinoids on bees and that these gaps prevent EPA from taking action to ban these chemicals. Please provide a list of relevant research questions that EPA needs to have answered in order to satisfy the "high probability standard" necessary to suspend registration of all or some of the active neonicotinoid ingredients.
- 3. What, if any, interim steps can the EPA take with the current scientific evidence to limit or restrict the use of all or specific neonicotinoids to reduce the impact on bees? Has the EPA initiated any of these steps? If not, why not?
- 4. When does the EPA expect to complete the registration review for the seven neonicotinoid chemicals listed above? Will the EPA consider the impacts this class of pesticides has on honeybees (including the economic impact) when conducting the registration review for each of the active ingredients?

¹⁴ http://www.epa.gov/opp00001/about/intheworks/ccd-european-ban.html

¹⁵ http://www.epa.gov/opp00001/about/intheworks/epa-respns-to-clothianidin-petition-17july12.pdf

- 5. What steps is the EPA taking to ensure that it has sufficient scientific evidence to make informed determinations about effects of neonicotinoids on bees and other pollinators?
- 6. If based on additional scientific information the EPA determines that neonicotinoids are a cause or implicating factor in bee population declines, what steps can the EPA take to ensure that bees are protected from these pesticides?

Thank you for your assistance and cooperation in responding to this request. Should you have any questions, please have your staff contact Jill Cohen at 202-225-6065 or Dr. Avenel Joseph at 202-225-2836.

Sincerely,

Edward J. Markey Member of Congress



From:

Sven-Erik Kaiser/DC/USEPA/US

To:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

CC:

Greg Spraul/DC/USEPA/US@EPA

bcc:

Subject:

Re: CWA on Pilgrim - a few documents

Posted Date:

04/13/2012 11:34 AM

Distribution List: <Michal.Freedhoff@mail.house.gov>, Greg Spraul/DC/USEPA/US@EPA

Michal.

Thanks for the background documents. I'm getting the wheels turning here to get you a prompt response.

Please let me and Greg know if additional questions. Best,

Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Freedhoff, Michal"

Sven - here are the 3 documents w...

04/13/2012 10:52:47 AM

From:

"Freedhoff, Michal" < Michal. Freedhoff@mail.house.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA, Greg Spraul/DC/USEPA/US@EPA

Date:

04/13/2012 10:52 AM

Subject:

CWA on Pilgrim - a few documents

Sven - here are the 3 documents we talked about. Thanks!

Michal Michal Ilana Freedhoff, Ph.D. Policy Director Office of Congressman Edward J. Markey (D-MA) 2108 Rayburn House Office Building Washington, DC 20515



Q re_EFH consultation_Pilgrim Nuclear_HNR 4_6_2012.docx

Bingham Affidavit 3-6-12.pdf

pilgrim station EFH.pdf

Rep. Markey Question Regarding Essential Fish Habitat Consultation for Pilgrim Nuclear Plant

April 6, 2012

Request:

In furtherance of the April 6, 2012 call with Rep. Markey's office regarding NOAA Fisheries' consultation for the Pilgrim Nuclear Plant, staff mentioned that, in the listing of essential fish habitat, NOAA Fisheries sent a letter to Rep. Markey's office that stated that the agency was waiting on EPA for a National Pollution Discharge Elimination System analysis in order to complete the essential fish habitat designation. Staff requested an update on where that is.

Response:

Attached is NOAA Fisheries Essential Fish Habitat and Fish and Wildlife Coordination Act consultation with the Nuclear Regulatory Commission. The consultation was conducted in 2007 in response to the Commission's Generic Environmental Impact Statement for renewal of the Pilgrim Nuclear Power Station's operating license. The letter encourages the Commission to better characterize the station's impacts on Essential Fish Habitat and other living marine resources as part of the National Environmental Policy Act process associated with the operating license.

However, for the purposes of Essential Fish Habitat and Fish and Wildlife Coordination Act consultations, we accepted the Nuclear Regulatory Commission's position that the intake and discharge of waters and the associated environmental effects and mitigation conditions fall under the responsibility of the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System permitting process. Therefore, we deferred the development of Essential Fish Habitat conservation recommendations, indicating we would consult with EPA as part of its process to reissue the National Pollutant Discharge Elimination System permit. EPA would likely be the best source of information regarding the status of any applications from the Pilgrim Station for a new National Pollutant Discharge Elimination System permit, and a timeline for when they may request an Essential Fish Habitat and Fish and Wildlife Coordination Act consultation with NOAA Fisheries.

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of		Docket # 50-293 LR
Entergy Nuclear Generation Company)	
Entergy Nuclear Opeartions Inc.)	
Pilgrim Nuclear Power Station)	
License Renewal Application)	

- 1. My name is Anne Bingham and I am providing this affidavit to detail my knowledge of the records maintained by the United States Environmental Protection Agency (USEPA) in the industrial wastewater division of its Region I offices regarding the permitting of surface water discharges to Cape Cod Bay from the Pilgrim Nuclear Power Station (PNPS) in Plymouth, Massachusetts.
- 2. I live and work at 78A Cedar St. in Sharon, Ma 02067. I was admitted to the Massachusetts bar on January 21, 1985. I was employed by the Massachusetts Department of Environmental Protection (MassDEP) from 1985 until June of 2007. Between 1990 and 1995, I was the senior attorney for the Department's Division of Water Pollution Control, responsible to assist staff in permitting and enforcement for ground and surface water discharges to the waters of the Commmonwealth.
- 3. I have been in private practice for five years since leaving DEP. I currently represent the Jones River Watershed Association and Pilgrim Watch in matters relating to the impact of surface water intake and discharge from PNPS upon water quality and aquatic life in Cape Cod Bay.

- 4. Between January 3, 2012 and February 28, 2012, I spent approximately 200 hours reviewing documents maintained by the USEPA Region I in the National Pollutant Discharge Elimination System (NPDES) permitting program under the federal Clean Water Act relating to PNPS. I examined six boxes of documents maintained by Region 1 relating to PNPS's surface water intake and discharge. These documents were represented to constitute all public records on PNPS's surface water intake and discharge to Cape Cod Bay that were in Region 1's possession.
- 5. The files that I examined contained the jointly issued State Permit No. 359 and Federal Permit No. MA 0003537, hereinafter, the NPDES permit. The current NPDES permit for PNPS was issued in 1991 to Boston Edison Company, amended in 1994 and transferred to Entergy Nuclear Generating in 1999. The NPDES permit expired in 1996 but was administratively extended.
- 6. The last piece of correspondence in the EPA files between Entergy and EPA relating to the PNPS's NPDES permit was dated April 27, 2005. It is a letter from Entergy's attorney to EPA Attorney Stein addressing the scope of Clean Water Act Section 316(b) review necessary for PNPS's NPDES permit renewal. There was no document in the file after that date from either the agencies or the permittee which evidenced resolution of the issues raised in the permittee's letter or progress towards completing procedural requirements necessary for reissuance of a NPDES permit to PNPS.

- 7. Through informal inquiries, my colleague and I were informed by both MassDEP and EPA personnel that no one from either agency was currently working on renewal of the NPDES permit for PNPS.
- 8. Based upon my experience as an attorney for MassDEP, I believe that it is impossible for a new NPDES permit for the Entergy PNPS to be issued by June of 2012. The EPA retains primary jurisdiction for implementing the NPDES program in Massachusetts, but no permit can be issued unless Massachusetts issues a "water quality certification" stating that EPA's permit does not violate the state water quality standards. 314 CMR 9.09.
- 9. During my years as an attorney for MassDEP, no permit in any program was ever issued in less than four months after legally required public notice and comment processes were commenced. Based upon my review of the PNPS files at EPA, the notice and public comment processes have not been initiated for reissuance of the PNPS NPDES permit. This process would include certification by Massachusetts that the EPA NDPES permit does not violate state water quality standards.
- 10. In my experience, the time necessary to complete public notice and comment was always significantly longer than four months when a joint federal state permit, such as a NPDES permit, was being reviewed. This is largely because of the substantial time which is invested in coordination between state and federal agencies.

11. Significant questions were raised in the April 27, 2005 letter regarding the PNPS NPDES permit and remain unresolved. No staff member from either agency is currently assigned to review the PNPS NPDES permit, and anyone assigned now would be required to review, in much greater detail, the records that I have reviewed. State and federal regulations and requirements relating to Cooling Water Intake Structures (CWISs) for NPDES permit have changed substantially in the intervening seven years. Therefore, in my opinion, a new NPDES permit could not be issued to PNPS in less than one year from the date of this affidavit. The requirement for a water quality certification from Massachusetts also makes it virtually impossible that the NPDES permit for PNPS will be issued by June 2012.

electronically signed

Executed in Accord with 10 C.F.R. 2.304(d) on March 6, 2012

Anne Bingham 78A Cedar St. Sharon, MA 02067 781-414-1399

Email: annebingamlaw@comcast.net

March 6, 2012



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE NORTHEAST REGION One Blackburn Drive Gloucester, MA 01830-2298

JAN 2.3 2007

Dr. Pao-Tsin Kuo, Acting Director Division of License Renewal Office of Nuclear Reactor Regulation U.S. Nuclear Regulator Commission Washington, DC 20555-0001

Dear Dr. Kuo:

The National Marine Fisheries Service (NMFS) has reviewed the Generic Environmental Impact Statement (GEIS) Supplement 29 and Essential Fish Habitat (EFH) assessment regarding the proposed renewal of the operating license for the Pilgrim Nuclear Power Station in Plymouth, MA. The proposed action by the US Nuclear Regulatory Commission (NRC) is to renew the operating license for the facility, with no physical alterations or construction proposed. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act (FWCA) require federal agencies to consult with one another on projects such as this. As stated in your December 8, 2006 letter, the NRC is requesting initiation of EFH consultation with NMFS.

Based on our review of the GEIS, NMFS concurs with the NRC's determination that adverse impacts on living marine resources and habitats will occur as a result of the operation of the facility. Specific issues of concern include the impingement and entrainment of fishery resources resulting from the intake of water for cooling purposes as well as the discharge of heated effluent into Cape Cod Bay. The GEIS states that operational impacts will result in adverse effects to winter flounder (*Pseudopleuronectes americanus*) and rainbow smelt (*Osmerus mordax*). Furthermore, the NRC states that additional mitigation for the cooling system components and operations may further reduce impingement and entrainment impacts.

We note the NRC's position that operational activities including the intake of cooling water, the discharge of heated effluent, and/or mitigation conditions are under the sole authority of the US Environmental Protection Agency (EPA) through their National Pollutant Discharge Elimination System (NPDES) permitting process, pursuant to Section 316(a)(b) of the Federal Clean Water Act. As such, the NRC does not intend to incorporate any mitigation conditions to offset impacts on NMFS trust resources. As noted within the GEIS, the EPA is currently in the process of developing a demonstration document for the reissuance of the NPDES permit. Based on this information, NMFS has determined that our issues of concern relative to living marine resources and EFH would be most appropriately addressed through the EPA's NPDES permit renewal process. As such, NMFS will not be providing the NRC with EFH conservation recommendations regarding the License Renewal for the Pilgrim Nuclear Power Plant. Rather, NMFS will

perform a detailed review of the proposed project within the NPDES permit renewal process and potentially provide EFH conservation recommendations at that time.

Although NMFS is concluding the EFH consultation without providing conservation recommendations, we strongly encourage the NRC to continue to characterize and evaluate impacts on EFH and other living marine resources as part of its National Environmental Policy Act review process. Please note that these comments refer to the NRC's consultation with NMFS relative to the MSA and the FWCA. Comments relative to the Section 7 Endangered Species Act consultation will be provided by NMFS Protected Resources Division under separate cover. Should you have questions regarding these comments, please contact Christopher Boelke at (978) 281-9131. Thank you for your continued coordination with our agency on this important project.

Sincerely,

Peter D. Colosi, Jr.

Assistant Regional Administrator for Habitat Conservation

Peter (Pai)

Cc: David Webster, US EPA
John Nagle, US EPA
Alicia Williamson, NRC

Colligan, Crocker, PRD



From:

Sven-Erik Kaiser/DC/USEPA/US

To:

"Hartl, Brett" < Brett. Hartl@mail.house.gov>

cc:

bcc:

Subject: NAS Presentation

Posted Date:

11/03/2011 05:47 PM

Distribution List: <Brett.Hartl@mail.house.gov>

Brett - here's the EPA powerpoint as requested. I peeked into the overflow room and saw Todd U. there. Please let me know if you have any questions. Best, Sven



EPA NAS Presentation_Final.pptx

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753



Ecological Risk Assessment Process in EPA's Office of Pesticide Programs

Steven Bradbury, Ph.D

Edward Odenkirchen, Ph.D.

Office of Pesticide Programs

U.S. Environmental Protection Agency



Statutory Framework

- The primary statute regulating pesticides in the U.S. is the Federal Insecticide, Fungicide, and Rodenticide Act (**FIFRA**):
 - Under FIFRA, EPA has the authority to register new pesticides, and must re-evaluate currently registered products on a periodic schedule
 - FIFRA requires EPA to ensure pesticide use will not result in unreasonable adverse effects to the environment; including potential effects on listed species



Background – High Throughput Assessments and Decisions

As of 2011

- 739 pesticide cases comprising 1,155 active ingredients are being reevaluated through registration review
- Many ingredients have multiple uses
- >220 registration review cases are post Docket Opening
- >178 registration review cases are post Final Work Plan
- Rigorous schedule for completion
- Effects determinations will be nationwide and consider the potential risk to <u>each</u> of 1300+ endangered species

In addition to Registration Review

- New chemical registrations
- New uses
- Experimental use permits
- Emergency uses

Use high quality information in a scientifically sound manner

- Consistent
- Efficient
- Portable
- Transparent



Background – Robust EPA Ecological Risk Assessment Process

Consistent with EPA-wide peer reviewed Risk Assessment Guidance

Guidelines for Ecological Risk Assessment .1998. EPA/630/R-95/002F http://www.epa.gov/raf/publications/pdfs/ECOTXTBX.PDF

Risk Characterization Handbook. 2000. EPA 100-B-00-002 http://www.epa.gov/spc/pdfs/rchandbk.pdf

Science and Decisions: Advancing Risk Assessment. 2009. National Research Council of the National Academies, The National Academies Press, Washington DC

Documented publicly available descriptions of each component of the risk assessment

Overview of Ecological Risk Assessment Process in the Office of Pesticide Programs http://www.epa.gov/oppfead1/endanger/consultation/ecorisk-overview.pdf

Internal and external scientific peer review of exposure models, data requirements, and risk integration methods

http://www.epa.gov/scipoly/sap/meetings



Background Steps in OPP Nationwide Approach

The OPP approach to nationwide pesticide ESA effects determination consists of multiple steps described fully for each pesticide in publicly available documents:

- 1. Establish the parameters of pesticide product use
- 2. Identify stressors of concern
- Establish fate characteristics of stressors
- 4. Establish effects characteristics of stressors and select assessment endpoints
- 5. Determine the environmental exposure to the stressors
- 6. Integrate exposure with effects measures to identify if and where exposures rise to levels of concern
- 7. Establish the extent to which listed species and designated critical habitat co-occur with areas of concern for effects
- 8. Consider the nature of the effects expected to be encountered, the biology of the listed species, and the primary constituent elements of designated critical habitat to make effects determinations



Background Topic Areas in the Charge to the Committee

- Geospatial information and datasets
 - Pesticide use
 - Location of species
- 2. Best available scientific data and information
 - Fate and effects data
 - Biological information on species
- 3. Mixtures
- 4. Sub-lethal, indirect, and cumulative effects
- 5. Models
- 6. Interpretation of uncertainty



Geographic Information & Pesticide Usage EPA Approach

- The basis of identifying areas with sufficient pesticide use to warrant analysis for overlap with listed species:
 - Utilize label information and large scale geographic data
 - Conservative representation of current pesticide use areas and practices
 - Reasonable representation of possible future use
 - Refine the analysis using information on:
 - Regional and local agronomic practice
 - Economic limitations
 - Pest pressure
 - Number of applications in a year

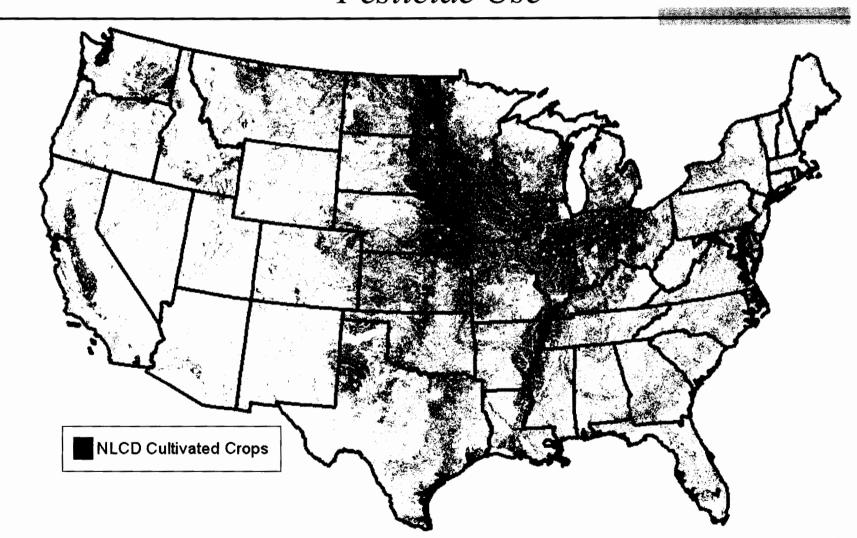


Geographic Information and Datasets Pesticide Use

- Reliance on the label alone
- Example: Pesticide label says use on **rice**, at 2 pounds/acre, 2 times per year, 20 days apart applied by aerial spray.....
- Where is the use site geographically?



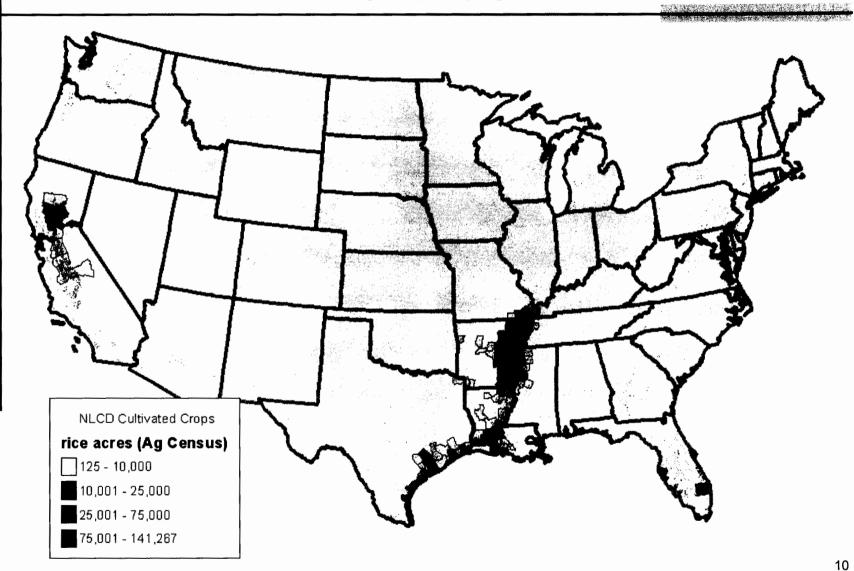
Geographic Information and Datasets Pesticide Use



Yields indefensibly large numbers of false associations of crop with listed species



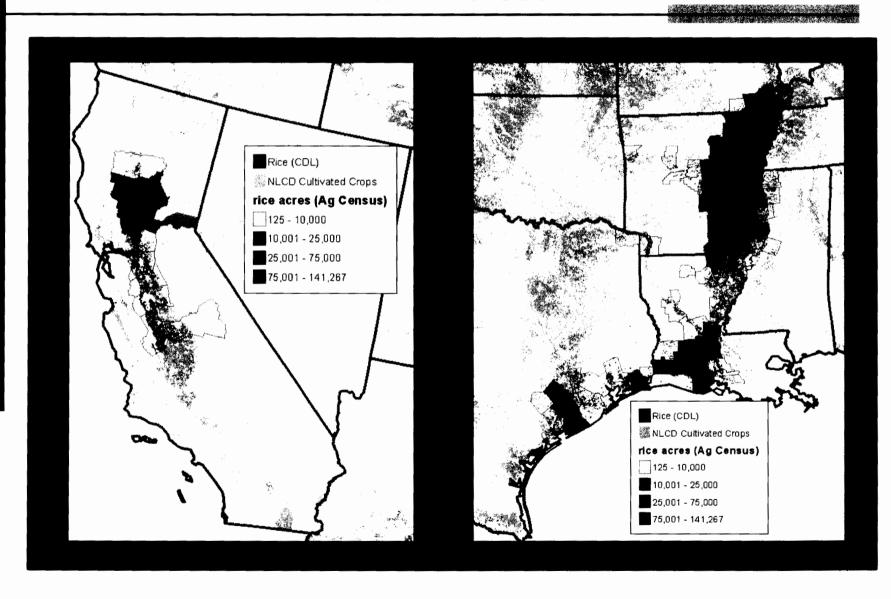
Geographic Information and Datasets Pesticide Use





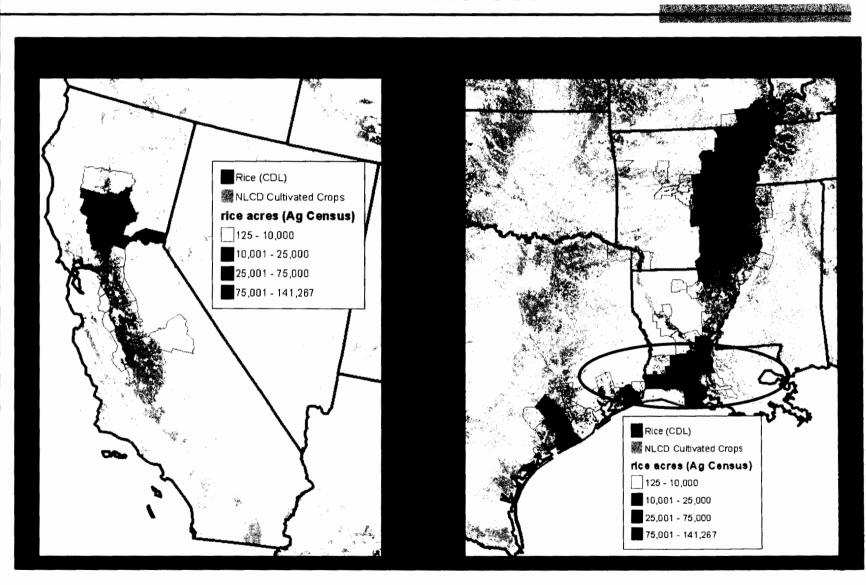
Geographic Information and Datasets

Pesticide Use



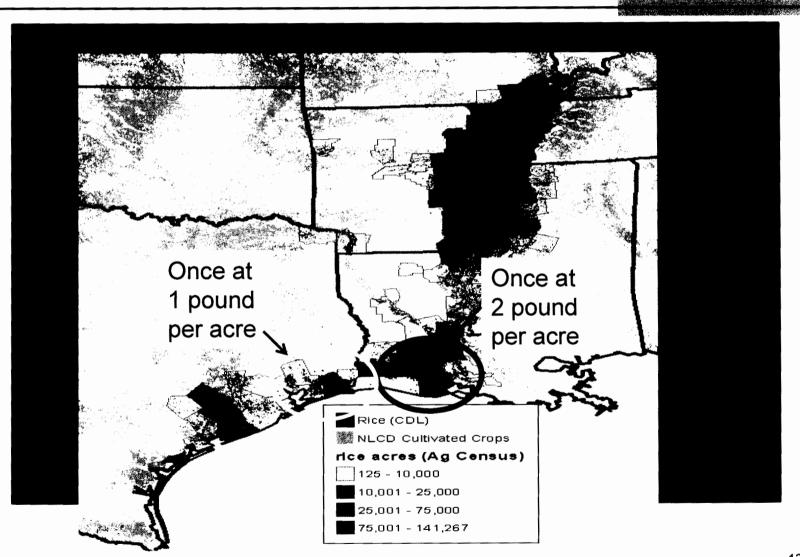


Pesticide Use





Geographic Information and Datasets Pesticide Use





How is this issue addressed in the BIOPs?

BIOP 1

- Did not include spatial analysis (with limited exception of Ozette Lake sockeye)
- No spatial distinction by individual pesticide or individual uses for each pesticide

BIOP 2

 No analysis of where pesticide is used, exposure resulting from use, overlap of species locations with use areas, and how that overlap impacted the jeopardy determination

■ BIOP 3

- Presented a spatial analysis by ESU using NLCD data
- Catalogued amount of land cover classes present within a 2.5 km buffer of occupied habitat
- Unclear how this analysis influenced the jeopardy determination

BIOP 4

- Applies the same level of spatial analysis as the third BIOP
- Accounts for some individual uses (e.g. chlorothalonil on turf) in determining if jeopardy is likely



What is needed?

- Guidance on how to use geospatial and pesticide use information that focuses analyses appropriately, taking into account:
 - The dynamic nature of pesticide exposure
 - Label is upper bound
 - Other factors affect true on-ground use
 - Variability in pesticide usage
 - Maximum use does not occur everywhere
 - The possibility that pesticide use may change in the future
 - The limitations of available data on current usage
- Guidance on what existing data sets are appropriate to consider and the data characteristics that are relevant for various scales



What is needed?

- Guidance related to listed species location information:
 - What constitutes best available geospatial data on species locations including designated critical habitat?
 - At what scale should location information be considered:
 - Example: is it appropriate to make effects determinations based on information that a species is located "within X state", "within X county" as opposed to understanding more refined geographic extent of the species?
 - What is the most appropriate and efficient manner to access geospatial species location information?
 - More on this later...



EPA Approach: Pesticide Fate and Effects

- Regulatory requirements for fate and effects data
 - Active ingredient
 - Degradates of concern (case-by-case basis)
- Consideration of additional effects data from variety of sources
 - Submissions to public docket
 - ECOTOX ** (http://cfpub.epa.gov/ecotox)
 - EPA's comprehensive literature search engine for aquatic and terrestrial ecological effects data
 - Incident data
- Application of data quality and validity tests to all sources of data
- Documentation of ALL data reviewed and bibliography provided with consultation request that identifies those data:
 - Used quantitatively
 - Used qualitatively (rationale)
 - Concluded to be scientifically invalid (rationale)
 - Considered irrelevant (rationale)

^{**} Evaluation Guidelines for Ecological Toxicity Data in the Open Literature, May 9, 2011, Office of Pesticide Programs, USEPA.



What is needed?

- Species biological information can inform EPA's risk assessment conclusions:
 - Diet
 - Body weights
 - Reproductive cycles and propagation
 - Timing of migrations, hibernations
 - Habitat requirements
- What data sources constitute best available information on species biology?
- What is the most efficient manner by which the EPA can access this information for repeated use on a nationwide basis?
 - Example relational data base that would permit queries such as "what species
 of bird weighs > X grams" or "which plants are propagated by wind rather than
 insects"



How is this addressed in the BIOPS?

BIOP 2

- Conclusions are drawn based on a body of data that do not include certain studies and information provided by EPA in its consultation package
- No explanation of the criteria used to include or exclude data

BIOP 3

- In some areas, gray literature was used to support or from which to draw conclusions.
- Without availability of underlying information that would likely be available with peer reviewed and published information, it is difficult to determine its utility in drawing risk conclusions.



How is this addressed in the BIOPS?

As the process has matured, there has been more discussion of specific data quality issues that have the potential to alter BIOP outcomes such as in this case:

BIOP 4

- EPA review of the Draft indicated the use of a number of secondary citations of effects endpoints that were included as effects thresholds
- EPA investigation into the primary citations for these endpoints indicated opportunities for modification of the thresholds based on additional information
- In the Final BIOP the Service appears to have considered this additional information and modified the effects thresholds and target concentrations in selection of mitigation measures



What is needed?

Guidance on:

- Data quality and relevance standards for information that helps inform the risk assessment process
- How to assess the gray literature, unpublished research, non-peer reviewed studies, articles published in non-refereed journals
- How to consider quality of information when considering multiple lines of evidence



Mixtures *EPA Approach*

EPA considers:

- Active Ingredient
- Degradates
- Formulation constituents
 - Available empirical data for formulation effects compared to active ingredient
 - If formulation produces toxicity in excess of equivalent active ingredient, a separate assessment of formulation IN ADDITION to active ingredient is completed



Issue Defined

Limitations of EPA's approach:

- Not all formulations with all taxonomic groups are tested
- Not all constituents in each formulation are identified
- Chronic endpoints are not investigated for formulations
- EPA does not address tank mixtures and environmental mixtures
- Challenges for a generic peer-reviewed method to assess the risks from mixtures
 - Temporal aspects of exposure to mixture constituents each constituent behaves differently once in the environment
 - Lack of knowledge about mechanism of action in non-targets
 - Portability of observed interactions across taxa



How is this addressed in the BIOPS?

BIOP 1:

- Environmental mixtures of acetyl cholinesterase compounds considered
- Mixtures of insecticides were assumed to occur with simultaneous maximum concentrations

BIOPs 1 and 2:

- Prioritized certain surfactants of concern
- Unclear how consideration of these ingredients materially influenced the jeopardy determination

BIOP 3:

- 2x uncertainty factor was used to set concentration limits
- Rationale includes formulation constituents as a considered source
- It is unclear what proportion of that uncertainty factor is related to uncertainties surrounding formulation ingredients

BIOP 4:

- No uncertainty factor
- NMFS indentifies presence of formulation constituents as an uncertainty
- Unclear how uncertainty is accounted for in the jeopardy determinations
- Effects thresholds are based on active ingredient or formulation without explanation



What is needed?

Identification of methods available today to:

- Focus analysis on formulation constituents that have significant potential to alter an active ingredient-based effects determination
- Determine adequacy of formulation testing
- Evaluate the impacts of multiple chemicals constituents in environmental mixtures
 - Considering poorly developed knowledge base of mechanism of action in non-target taxa
 - Poorly understood co-occurrence of stressors in the environment on a nationwide scale



Interagency Workgroup Discussion

Approach being considered for formulation constituents:

- 1. Prioritize pesticide formulation constituents
- 2. Assign screening thresholds
- Identify ingredients rising to levels of initial concern for a particular registration
- 4. Quantitatively incorporate formulation ingredients of concernin the effects determination



EPA Approach

Effects Assessment Endpoints

- A variety of lethal AND sublethal effects endpoints quantitatively considered as indicators of individual fitness
 - Survival
 - Growth
 - Reproduction and Development, e.g.
 - En-ovo and en-utero effects
 - Hatching, live birth
 - Time/numbers to development stages
 - Teratogenic responses judged to affect fitness
 - Somatic growth
 - Offspring survival



Issue Defined

Challenges in analyzing sublethal effects

- Determining if a sublethal effect is one of priority
- Consequences of in vitro study endpoints to individual fitness are often unclear or speculative*
- Consequences of laboratory in vivo study endpoints to actual behavior and fitness in the wild is unclear*
- Few quantitative relationships have been established between sublethal endpoints and fitness parameters for individuals
- Scientific peer review of quantitative relationships is important

Toxicity pathway>multiple pathway interaction>dose response> individual adverse outcome >population significance

^{*}Consistency with adverse outcome pathways strategies (Toxicity Testing in the 21st Century: A Vision and a Strategy NRC 2007 http://www.nap.edu/catalog.php?record_id=11970)



Interagency Workgroup Discussion

- Proposed alternative sublethal approach
- Use sublethal endpoints quantitatively like the mortality, growth, and frank reproduction endpoints
- Provisions
 - Initial focus on effect types of importance to the Services
 - Effects seen in whole organisms
 - Validity criteria apply to studies
 - Studies provide both NOEC and LOEC
 - Services assist to establish biologically significant level portable across taxa
 - NOEC incorporated into May Affect determination
 - Consideration of biological significance in the Likely to Adversely Affect determination
- Consistent with Toxicity Testing in the 21st Century: A Vision and a Strategy (NRC 2007)



How is this issue addressed in the BIOPs?

■ BIOP 1

focused on studies using the olfactory rosettes removed from the organisms

■ BIOPs 1, 2, 3

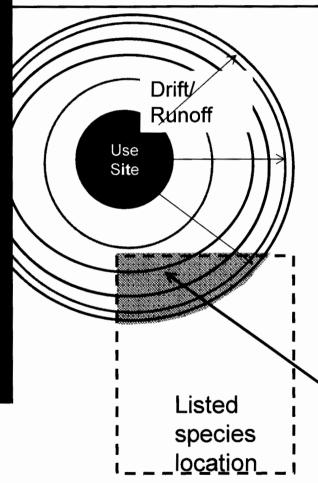
focused on homing behavior studied in the lab and extrapolated to field setting



What is needed?

- Scientifically defensible approach that is implementable at a nationwide scale and:
 - Relates sub-lethal toxicity endpoints to the traditional, individual-based, population-relevant endpoints of survival, growth and reproduction (NRC 2007)
 - Reasonably considers sub-lethal effects in relation to the concepts of "insignificant, discountable, or wholly beneficial"
 - Reasonably assesses risks associated with sub-lethal effects when quantitative linkages to higher order responses (i.e. injury, survival, reproduction, numbers, distribution) have not yet been established (NRC 2007)

EPA Conceptual Approach



Extent of Action Area

Each ring represents a unique combination of taxa and effects endpoint accounting for offsite transport by drift and/or runoff.

The action area encompasses the use site and the furthest extent where one or more effects thresholds are exceeded

It is the overlap of affected areas(on and off use site) with listed species location that constitutes the proximity analysis



EPA Use of Models

- Models help EPA distinguish "No Effect" from "May Affect" determination based on
 - relationship of species with Action Area
 - type of effects anticipated

- Species not in Action Area = No Effect
- Species in Action Area but effects not relevant to species = No Effect
- Species in Action Area and effects are relevant to the species = May Effect (MA)



EPA Use of Models

- Models help EPA further distinguish "Not Likely to Aversely Affect" from "Likely to Adversely Affect" determination based on
 - Direct effects
 - Indirect effects

Direct effects

- No overlap with effect areas for the taxonomic group = NLAA
- Overlap with effect areas for the taxonomic group = LAA

Indirect effects

- No overlap with effects areas for taxa that are needed by the listed species = NLAA
- Overlap with effects areas for taxa needed by the listed organism = LAA



Characteristics of EPA Models

- EPA uses models to integrate exposure and effects data in developing nationwide effects determinations for specific pesticide uses that:
 - Incorporate conservative estimates of exposure
 - Relate exposure estimates to effects endpoints
 - Provide quantitative results
- Models have undergone extensive, external peer review consistent with:
 - National Research Council of the National Academies. 2007. Models in Environmental Regulatory Decision Making. http://www.nap.edu/catalog.php?record_id=11972
 - USEPA. 1998. Guidelines for Ecological Risk Assessment http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=36512



Characteristics of EPA Modeling

Models Estimating Exposure:

- Nationwide in scope
- Conservative representation of exposed environment
- Conservative selection of fate and transport parameters
- Selection of reasonable upper bound estimates of exposure
- Consider a variety of exposure pathways
- Monitoring information is used to cross check the assumption of conservatism
 - Do assumptions need reevaluation?
 - Are fate and transport parameters reasonable?



Beyond EPA Approach



- Other approaches may
 - Extrapolate effects on individuals further
 - populations of listed species
 - critical resources
 - supporting communities
- Other approaches should require
 - Understanding of model relevancy across taxa
 - Transparency
 - Sensitivity analysis
 - Scientific peer review



How is this issue addressed in the BIOPs?

Modeling

■ BIOPS 1 and 2:

Provided a summary of the modeling results from older EPA assessments, which do not accurately represent the current exposure profile for each chemical

All 4 BIOPs:

- Limited modeling using GENEEC and AgDrift was conducted to test assumptions regarding the importance of mixtures and off-channel habitats
- Use of high end exposures to compare against available effects levels for both direct and indirect (and sublethal) effects to inform the jeopardy determination
- Use of "expected" concentrations from NMFS modeling as inputs to population models for the anti-acehtylcholinesterace pesticides



How is this issue addressed in the BIOPs?

Monitoring

■ All 4 BiOps:

- Discussions of available monitoring data including a summary of modeling included in previous EPA assessments and a review of additional sources that have become available since the EPA assessments
 - NAWQA national water quality assessment program
 - WSDA Washington State Department of Agriculture
 - CDPR California Department of Pesticide Regulation
 - Sources from open literature (some outside action area)
 - Monitoring data are used to justify statements that the modeling in EPA's assessment is not conservative
- Available monitoring data are not used quantitatively
 - Frequency of detections are described; however it is assumed that listed species co-occur with the maximum detected concentration of each pesticide



What is needed?

Model Guidance on:

- Factors to consider when developing models to simulate pesticide exposure for endangered/threatened species in the future, based on historical understanding of pesticide use patterns, meteorology, etc.
- Application of modeling to address resource and listed species populations
- Characterizing variability and uncertainty in model construct and parameterization
 - Representative environments (nationwide scale)
 - Sensitivity analysis
- Peer review



Models What is needed?

Guidance on:

- The degree to which EPA provides a concise, transparent and reasonable approach for effects determinations for direct and indirect effects that considers:
 - Direct toxic effects to individuals of a listed species
 - Indirect effects to individuals through toxic effects on biological resources
 - Modification of critical habitat through effects on biologically mediated habitat attributes



Uncertainty EPA Approach

- Addressing Uncertainty in Effects
 - Surrogate approach for effects data
 - Most sensitive tested organism/endpoint of a given taxonomic group represents <u>all</u> in that group
- Addressing Uncertainty in Exposure
 - Selection of reasonably conservative modeled environment
 - Use of conservative fate and transport parameters
 - Selection of low probability high end exposure estimates



Uncertainty *EPA Approach*

Addressing Uncertainty in Effects Determination

- Location information of species
 - Lacking more specific information EPA relies on Services' information at a county level of resolution
 - Case-by-case technical consultation with Services' species experts at field office level
 - Significant challenge at nationwide scale
- Biological information of species
 - Reference to Services' recovery plans and other regulatory documents
 - Inefficient process at the nationwide scale
 - Consolidation of information gathered on case-specific determinations into a database
 - Cross government effort would be highly useful



Uncertainty *EPA Approach*

Addressing Uncertainty in Effects Determination

- Indirect effects assessments conservatively rely on most sensitive species and most sensitive endpoints without considering resource variability and resiliency
- EPA Effects Determinations discuss sources of uncertainty qualitatively and quantitatively



Uncertainty

How is this addressed in the BIOPS?

BIOPs 1 and 2:

Uncertainties not explicitly considered

BIOP 3:

- 2x uncertainty factor was used to set concentration limits
- It is unclear what proportion of that uncertainty factor is attributable to different sources of uncertainty

■ BIOP 4:

- No "uncertainty factor"
- NMFS indentifies presence of formulation constituents as an uncertainty
- Unclear how uncertainty is accounted for in the jeopardy determinations



Uncertainty What is Needed?

Guidance on:

- How uncertainty should be identified, propagated, and described in the analysis of pesticide exposure and biological responses?
- What extrapolations from surrogate species information are appropriate in situations where data specific to listed species are lacking?
- Establishing biologically significant thresholds for direct and indirect effects



Conclusions

- EPA uses a risk assessment process to develop its effects determinations that:
 - Uses best available, high confidence, valid scientific data
 - Develops a geographically-specific evaluation of exposure
 - Considers effects endpoints that are relevant to individual organism fitness
 - Explicitly describes the action area based on quantitative relationships of exposure and effects
 - Accounts for geographic and temporal assessment of species location relative to effects
 - Provides a biologically-based determination of the significance of effects to individual organisms
 - Transparently characterizes the impacts of uncertainties and assumptions on effects determination outcome